
UNION RAILWAY COMPANY OF NEW YORK
CITY.

Compilation of Legislative Acts, Municipal Grants, &c.
constituting the Charter of said Company, also of
the Harlem Bridge, Morrisania and Fordham Railway
Company, the Melrose and West Morrisania Railroad
Company, and the North Third Avenue and Fleetwood
Park Railroad Company.

HOADLY, LAUTERBACH & JOHNSON,
Counsel.

January 1st, 1900.

L. H. Jones
to payee
10/6/25

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UNION RAILWAY COMPANY OF NEW YORK CITY.

CHARTER OF THE UNION RAILWAY COMPANY OF NEW
YORK CITY.

CHAP. 340-LAWS 1892.

AN ACT to amend chapter three hundred and sixty-one of the laws of eighteen hundred and sixty-three, entitled "An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania," and all acts amendatory thereof.

APPROVED by the Governor April 20, 1892. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section six of chapter three hundred and sixty-one of the laws of eighteen hundred and sixty-three, entitled "An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania," is hereby amended so as to read as follows :

§ 6. The corporation formed under this act may, from time to time, consolidate its capital stock and property with the capital stock and property of any street surface Railroad Company incorporated, or to be hereafter incorporated, for the purpose of building or operating any street surface railroad operated or to be operated

by animal or horse power, or by cable, electricity, or any power other than locomotive steam power, the line of which is north or east of the Harlem river, in the city of New York, or the county of Westchester, or the southern terminus of which does not extend more than one thousand feet south of the southern terminus of any bridge crossing the Harlem river, and which may cross, intersect or prolong the line of said railway of such corporation, or any of its branches or extensions, or may acquire by purchase or lease for years, or other term, the property and franchises of any such street surface Railroad Company, now or hereafter incorporated for the construction and operation of any such street surface railroad to be operated by animal or horse power, or by cable, electricity, or any power other than locomotive steam power, in said city or county, north or east of the Harlem river, such consolidation, purchase or lease to be on such terms and conditions as the directors of said corporations may agree upon, and be executed under the corporate seals of said companies, respectively, by their President, provided that the same shall be first ratified by the votes of not less than two-thirds in interest of the stockholders of each of said companies voting in person or by proxy therefor, at meetings to be specially called for the purpose of considering such consolidation, purchase or lease, notice whereof shall be given by publication at least once a week for four consecutive weeks prior to the date of such meetings, respectively, in two or more daily newspapers published in the city of New York, and one copy whereof shall be delivered or mailed to each of said stockholders, whose post office address is known to the Company whereof he is a stockholder. The name of the corporation formed by such consolidation shall be the Union Railway Company of New York City. The agreement of such consolidation or indenture of purchase or lease shall contain a statement of the amount of capital stock deemed by the directors of said companies to be

necessary for the purposes of carrying into effect such consolidation, purchase or lease, the par value of each share of capital stock and the number of shares to be issued therefor, together with a description and map of the route and the termini of the respective railroads so consolidated or leased, whether at the time constructed or intended to be constructed. The original of said agreement of consolidation, and of said indenture of conveyance of lease, or a copy thereof certified to be correct, under the seals of said corporations by the secretaries thereof, shall be filed in the office of the Secretary of State, and from the time of such filing shall be taken and deemed to be the agreement and act of consolidation, or indenture of conveyance or lease, of the said companies, and binding and valid in law, and a copy of the said agreement and act of consolidation or indenture or lease, duly certified by the Secretary of State, under his official seal, shall be evidence in all Courts and places of the existence of said corporation, and that the provisions of this act have been fully observed and complied with. Said Company may, from time to time, by consent of two-thirds in interest of the holders of its capital stock, at any meeting called for that purpose, whereof notice shall have been given in the manner aforesaid, increase its capital stock to such an amount as it may deem necessary, not, however, exceeding two millions of dollars. Said Company may issue its negotiable bonds bearing interest at any rate not exceeding six per centum per annum, and may sell the same at any rate approved by the Board of Directors thereof, for the purpose of providing funds for the execution of any of the purposes contemplated by this act, said bonds to be payable at any time and place which may be agreed on, and said Company may also mortgage its railroad property and franchises or any part thereof, acquired or to be acquired, as security for

the payment of said bonds and interest, provided that the amount of such bonds outstanding at any time shall not exceed the amount of the total capital stock of said Company.

§ 2. All conditions, burdens, obligations and liabilities imposed by law or contract upon any Railroad Company or persons so consolidating with, leasing or conveying to the said Harlem Bridge, Morrisania and Fordham Railroad Company, or to the said, the Union Railway Company of New York City, shall be preserved unimpaired thereby, and shall be assumed, borne and performed by the said Union Railway Company, so far as the same relate to, concern or bind, and to the extent of the property and franchises so acquired by it by consolidation, lease or conveyance, but no further.

§ 3. The provisions of sections ninety-three, ninety-five and ninety-eight of chapter five hundred and sixty five of the laws of eighteen hundred and ninety, entitled "An Act in relation to railroads, constituting chapter thirty-nine of the General Laws," and of any act amendatory of or supplementary to said sections, shall not extend to said Union Railway Company, nor shall said Company be bound by any of the provisions thereof. The said Company shall keep in permanent repair that portion of the street between the rails of its tracks after the same shall have been paved or macadamized.

§ 4. The President and Treasurer of the said Union Railway Company shall annually make a verified statement to the Comptroller of the City of New York, on or before the first day of September in each year, of the gross amount of its receipts for the year ending June thirtieth next preceding, and also a

detailed account of its daily earnings during that period, and the books of said Company shall be open to inspection and examination by said Comptroller, or his duly appointed agent, for the purpose of ascertaining the correctness of its report as to its gross earnings, and may take proofs in relation thereto. Whenever such earnings shall, during any period of six months, exceed an average of seventeen hundred dollars per day, then, and in that event, the said Company shall thereafter annually, on the first day of December, pay into the treasury of the city of New York, to the credit of the sinking fund of the said city a sum equalling in the aggregate one per cent. of its gross earnings; and an additional annual payment of one per cent. of such gross earnings shall be made by said Company in like manner for each multiple of seventeen hundred dollars per day of such average gross earnings. The gross receipts of all the lines of road owned by said Company, whether operated by said Company or by lessees thereof, or of any portion thereof, shall be deemed gross earnings of said Company, within the meaning of this section. The payment of the percentage of gross receipts herein provided for shall be in lieu of all other percentages which any of the roads consolidating and forming the said Union Railway Company may theretofore be liable to pay on its receipts.

§ 5. This act shall take effect immediately.

CONSOLIDATION AGREEMENT BETWEEN HARLEM BRIDGE,
MORRISANIA AND FORDHAM RAILWAY COMPANY,
MELROSE AND WEST MORRISANIA RAILROAD COM-
PANY AND NORTH THIRD AVENUE AND FLEETWOOD
PARK RAILROAD COMPANY.

THIS JOINT AGREEMENT, made the second day of July, 1892, between the HARLEM BRIDGE, MORRISANIA AND FORDHAM RAILWAY COMPANY, party of the first part, the MELROSE AND WEST MORRISANIA RAILROAD COMPANY, party of the second part, and the NORTH THIRD AVENUE AND FLEETWOOD PARK RAILROAD COMPANY, party of the third part, witnesseth :

That the said Harlem Bridge, Morrisania and Fordham Railway Company, said party of the first part, the capital stock of which is three hundred and fifty thousand dollars, consisting of seven thousand shares of the par value of fifty dollars each, is a street surface Railway Company, incorporated under the laws of the State of New York, for the purpose of operating a street surface railroad by power other than steam locomotive power, upon a route the map of which is hereto annexed, and which route and the termini thereof are as follows :

Commencing at or near 130th street, on Third avenue, along said avenue to and across Harlem Bridge.

Commencing at or near the termination of the Harlem or Cole's Bridge, on the Westchester side, on the Boston road, and running along said road to a point where the said road intersects with Fordham avenue, and thence along said Fordham avenue, with necessary turnouts, to the Kingsbridge road, thence along the same to the Harlem Railroad, at or near its depot at Fordham.

Along 138th street, in the town of Morrisania, to Port Morris, and along William street, Grove street, Butter-

nut street, Cedar street and River avenue, in said town of Morrisania, and across Cromwell's creek to the village of Highbridgeville, the said railway tracks not to be laid upon or along any part of Central avenue in said town, except across the same, and along the Boston post-road to the village of West Farms and the village of Westchester, in the town of Westchester.

Through Lincoln avenue and 133rd street, or through both of said street and avenue, in the town of Morrisania, if necessary to connect the ferry of the Morrisania Steamboat Company.

Along Westchester avenue or Southern Westchester turnpike from its junction with Third avenue or Boston road, in the town of Morrisania, through the towns of West Farms and Westchester to Westchester village; and through and along Morris street and Locust avenue, in the town of West Farms, from the Harlem railroad to West Farms village.

Through and along St. Ann's avenue to its southern terminus, and through and along Van Stoll street, otherwise known as 138th street, from Third avenue to the Harlem river, and also through and along College avenue from Kings Bridge road to its intersection with the road known as Fordham and Pelham avenue, and through and along said last-named avenue to Pelham Bridge, in the town of Westchester, and also from the present terminus of the tracks of said corporation, at or near Locust avenue, in the late town of West Farms, through and along the main road leading in an easterly direction to the point where said main road intersects the Westchester turnpike in the said town of Westchester.

That the said Melrose and West Morrisania Railroad Company, said party of the second part, the capital stock of which is three hundred thousand dollars, divided into six thousand shares of the par value of fifty dollars each, is a street surface railway company, incorporated under the laws of the State of New York, for the purpose of operating a street surface railroad by power other than steam locomotive power, upon a route, the map of which is hereto annexed, and which route, and the termini thereof, is as follows:

Beginning at North Third avenue, at or near East One hundred and thirty-eighth street, at the tracks of the Harlem Bridge, Morrisania and Fordham Railway Company, running thence northerly through, upon and along Morris avenue, with double tracks, to East Railroad avenue; thence northerly through, upon and along East Railroad avenue, with double tracks, to East One hundred and fifty-sixth street; thence westerly through, upon and along East One hundred and fifty-sixth street and across the tracks of the New York and Harlem Railroad Company, with double tracks, to West Railroad avenue; thence northerly through, upon and along West Railroad avenue, with double tracks, to Morris avenue; thence northerly through, upon and along Morris avenue, with double tracks, to East One hundred and sixty-first street.

Also, beginning at East One hundred and forty-ninth street and Morris avenue; running thence easterly, with single track, to Courtland avenue; thence running northerly through, upon and along Courtland avenue, with double tracks, to East One hundred and sixty-first street.

Also, from tracks on Morris avenue and East One hundred and forty-eighth street; running thence easterly through, upon and along East One hundred and forty-eighth street, with single track, to Courtland avenue; thence through, upon and along Courtland avenue, with double tracks, to connect with the tracks at East One hundred and forty-ninth street.

Also, from the track on Courtland avenue, at East One hundred and forty-eighth street; thence southerly upon and along Courtland avenue, with double tracks, to the intersection of Courtland avenue and North Third avenue, and to the tracks of the Harlem Bridge, Morrisania and Fordham Railway Company.

Also, beginning at North Third avenue, at or near East One hundred and thirty-eighth street; running thence westerly through, upon and along East One hundred and thirty-eighth street, with double tracks, to Mott avenue; thence northerly through, upon and along Mott avenue, with double tracks, to East One hundred and sixty-fifth street; thence easterly through, upon and along East One hundred and sixty-fifth street, with double tracks, to the entrance of Fleetwood Park.

Also, beginning at the intersection of Mott avenue

with East One hundred and sixty-first street ; thence running easterly through, upon and along East One hundred and sixty-first street, with double tracks, to the intersection of said street with North Third avenue, and to the tracks of the Harlem Bridge, Morrisania and Fordham Railway Company.

And also may construct such switches, sidings, tournouts and turn-tables and suitable stands, as may be necessary for the convenient working of such roads.

That the said North Third Avenue and Fleetwood Park Railroad Company, party of the third part, the capital stock of which is one hundred thousand dollars, divided into two thousand shares of the par value of fifty dollars each, is a street surface railway company, incorporated under the laws of the State of New York, for the purpose of operating a street surface railroad, by power other than steam locomotive power, upon a route, the map of which is hereto annexed, and which route, and the termini thereof, are as follows :

Beginning at a point on the easterly side of Third avenue at or near East One hundred and Twenty-ninth street, thence northerly along Third avenue with double tracks to Harlem Bridge ; thence northerly over, along and upon Harlem Bridge and North Third avenue with double tracks to the intersection of North Third avenue with Morris avenue at or near East One hundred and Thirty-eighth street ; thence northerly with double tracks through, upon and along Morris avenue to East Railroad avenue ; thence northerly through, upon and along East Railroad avenue with double tracks to East One hundred and Fifty-eighth street thence westerly through, upon and along East One hundred and Fifty-eighth street, and across the tracks of the New York and Harlem Railroad Company and West Railroad avenue with double tracks to Morris avenue ; thence northerly through, upon and along Morris avenue with double tracks to the intersection of Morris avenue with One Hundred and Sixty-fifth street.

That this agreement has been submitted to the stock

holders of each of said companies at the respective meetings thereof specially called for the purpose of considering the subject of consolidation herein set forth, and pursuant to a notice given by publication at least once a week for four consecutive weeks prior to the date of such meetings respectively in two or more daily newspapers published in the city of New York, one copy whereof was delivered or mailed to each of said stockholders whose post office address was known to the Company, and has been ratified and adopted at such meetings by more than two-thirds in interest of the stockholders of the respective companies.

That the amount of capital stock deemed necessary by the respective Boards of Directors of each of said companies for the purpose of carrying into effect this consolidation is two million dollars, divided into twenty thousand shares of the par value of one hundred dollars each.

That in consideration of the mutual covenants and agreements herein contained, the said parties hereto do hereby merge and consolidate their respective capital stocks, franchises and property one with another so as to form one corporation under and in pursuance of Chapter 361 of the Laws of 1863, and various acts amendatory thereof, including Chapter 340 of the Laws of 1892, and by these presents the said parties do hereby covenant and agree upon and prescribe the terms and conditions of such consolidation and the mode of carrying the same into effect, which said terms and conditions and mode of carrying the same into effect that mutually covenant and agree to observe, to wit :

First.—That the name of the corporation hereby formed by said consolidation shall be the “UNION RAILWAY COMPANY OF NEW YORK CITY.”

Second.—That the number of Directors of said new corporation hereby formed shall be nine.

Third.—That the names and places of residence of the directors and other officers of said new corporation who shall be the first directors and officers thereof, and shall manage its affairs for the first year, or until others shall be chosen in their places, are as follows, to wit :

Names of Directors.	Residences.
Charles A. Stadler,	224 East 44th st. New York City.
Wm. Cauldwell,	9 Park Row, “ “ “
Anthony N. Brady,	Albany, N. Y.
Robert C. Pruyn,	“ “ “
John C. De La Vergne,	55 East 80th St., New York City.
William Shaw,	Troy, New York.
Thomas W. Olcott,	169 West 130th Street, “ “ “
John W. McNamara,	Albany, N. Y.
Edward A. Maher,	212 Lenox Avenue, New York.

Officers.	Names.	Residences.
President,	Edward A. Maher,	New York, N. Y.
Vice-President,	Charles A. Stadler,	New York, N. Y.
Secretary and Treasurer, {	Thomas W. Olcott,	New York, N. Y.

FOURTH.—That the capital stock of said new corporation shall be two million dollars, consisting of twenty thousand shares of the par value of one hundred dollars each.

FIFTH.—That the manner of converting the capital stock of each of said Companies, parties hereto, into the capital stock of said new corporations shall be as follows :

The capital stock of the parties hereto of the second and third parts, at the rate of dollar for dollar, and the stock of the party of the first part hereto, at the rate of two and $\frac{2357}{10000}$ dollars for a dollar, shall be convertible into the capital stock of said consolidated company and new corporation, and upon presentation and surrender of any outstanding certificates of stock in either of said companies, the parties hereto, certificates for like

amount of stock in said consolidated company and new corporation, shall be issued to the holder thereof.

That the corporation hereby created may purchase, acquire, hold or dispose of the stock, bonds and other indebtedness of any corporation, domestic or foreign, and issue in exchange therefor its stocks, bonds or other obligation.

SIXTH.—That there shall be an election for Directors for the said new corporation on the second Monday of January, in the year 1893, and that there shall be an annual election for Directors of said new corporation on the second Monday of January in each and every year thereafter.

That the said Directors shall be chosen by a majority of the votes of the stockholders voting at such election in such manner as may be prescribed in the by-laws of the said consolidated Company, and they shall continue to be the Directors of such consolidated Company for one year from the date of their election, and until others are chosen and qualified in their places.

In such election, each stockholder shall be entitled to one vote, either in person or by proxy, for each share of stock held by such stockholder, for thirty days previous to such election.

Vacancies occurring in the Board of Directors shall be filled in such manner as shall be prescribed in the by-laws of said consolidated Company.

The President, Vice-President, Treasurer and Secretary shall be chosen by ballot by the directors immediately succeeding the annual election of directors, and vacancies shall be filled as provided in the by-laws of said Consolidated Company.

The directors of the said new Company may, from time to time, choose or appoint such other officers as they deem advisable.

Seventh —That all conditions, burdens, obligations

and liabilities imposed by law or contract upon any of the Railroad Companies hereby consolidating, shall be preserved unimpaired by such consolidation, and shall be assumed, borne and performed by the new corporation hereby created, so far as the same relate to, concern or bind, and to the extent of, the property and franchise so acquired by it by consolidation, but no further.

IN TESTIMONY WHEREOF, the said parties of the first, second and third parts, pursuant to resolutions of their respective Boards of Directors, have executed this instrument and certificate in duplicate, and have hereunto caused their corporate names to be signed and their corporate seals to be affixed by their respective Presidents the day and year first above written.

HARLEM BRIDGE, MORRISANIA & FORDHAM
RAILWAY Co.,

[SEAL.]

By HENRY SPRATLEY,
President.

MELROSE AND WEST MORRISANIA RAILROAD
COMPANY,

[SEAL.]

By WM. CAULDWELL,
President.

NORTH THIRD AVENUE AND FLEETWOOD
PARK RAILROAD Co.,

[SEAL.]

By M. B. WYNKOOP,
President.

STATE OF NEW YORK, }
City and County of New York, } ss. :

Be it remembered, that on this 2nd day of July, 1892, at the city of New York, before me personally came Henry Spratley, President of the Harlem Bridge, Morrisania & Fordham Railway Company, with whom I am personally acquainted, who, being by me duly sworn, said that he resides at 43 East 68th street, in the city of New York; that he is the President of the Harlem Bridge, Morrisania & Fordham Railway Company; that he knows the corporate seal of said Company; that the seal affixed to the foregoing instrument is such corporate seal; that it was affixed to the foregoing instrument by authority of the Board of Directors of said Company; and that he signed his name thereto by the like authority, and acknowledged the same to be the act and deed of the said Harlem Bridge, Morrisania & Fordham Railway Company, for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set
my hand and affixed my official seal the
day and year first above written.

[SEAL.] GEORGE W. VULTEE,
Notary Public (54),
C. & C. of N. Y.

STATE OF NEW YORK, }
City and County of New York, } ss.:

Be it remembered, that on this 2nd day of July, 1892, at the city of New York, before me personally came William Canldwell, President of the Melrose and West Morrisania Railroad Company, with whom I am personally acquainted, who, being by me duly sworn, said that he resides at 1086 Boston Road, New York City; that he is the President of the Melrose and West Morrisania Railroad Company; that he knows the corporate

seal of said Company ; that the seal affixed to the foregoing instrument is such corporate seal ; that it was affixed to the foregoing instrument by authority of the Board of Directors of said Company, and that he signed his name thereto by the like authority, and acknowledged the same to be the act and deed of the said Melrose and West Morrisania Railroad Company, for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set
my hand and affixed my official seal the
day and year first above written.

[SEAL.] GEORGE W. VULTEE,
Notary Public (54),
C. & C. of N. Y.

STATE OF NEW YORK, }
City and County of New York, } ss.:

Be it remembered, that on this 2nd day of July, 1892, at the city of New York, before me personally came Matthew B. Wynkoop, President of the North Third Avenue and Fleetwood Park Railroad Company, with whom I am personally acquainted, who, being by me duly sworn, says that he resides at 14 East 47th street, in the city of New York ; that he is the President of the North Third Avenue and Fleetwood Park Railroad Company ; that he knows the corporate seal of said company ; that the seal affixed to the foregoing instrument is such corporate seal ; that it was affixed to the foregoing instrument by authority of the Board of Directors of said Company, and that he signed his name thereto by the like authority, and acknowledged the same to be the act and deed of the said North

Third Avenue and Fleetwood Park Railroad Company,
for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my
hand and affixed my official seal the day
and year first above written.

[SEAL.]

GEORGE W. VULTEE,
Notary Public (54),
C. & C. of N. Y.

Endorsed—Consolidation Agreement of Harlem
Bridge, Morrisania and Fordham Railway Co., Melrose
and West Morrisania Railway Company, and North
Third Avenue and Fleetwood Park Rail Road Com-
pany, as the Union Railway Company of New York
City.

STATE OF NEW YORK, OFFICE OF SECRETARY OF
STATE. Filed and recorded Jul. 5, 1892. TH. E. BEN-
EDICT, Deputy Secretary of State.

Tax for privilege of organization of this corporation.
\$2,500.00 Under Chapter 143, Law of 1886. Paid to
State Treasurer before Filing.

PETITION TO COMMON COUNCIL OF THE CITY OF NEW
YORK.

(FIRST EXTENSION.)

*To the Honorable the Common Council of the City of
New York:*

The petition of the Union Railway Company of New
York City respectfully shows:

That your petitioner is a corporation duly organized
and incorporated under and in pursuance of an Act of
the Legislature of the State of New York, entitled “An
Act to amend Chapter 361 of the Laws of 1863, entitled
‘An Act to authorize the construction of a railway

and tracks in the towns of West Farms and Morrisania,' and all acts amendatory thereof," passed April 20, 1892.

That the said company proposes to construct, extend, maintain and operate a street surface railroad for public use in conveying persons and property for compensation in the City of New York, with double tracks connecting with the tracks of the said Company already constructed and as may be proper, upon and along the surface of the following streets, avenues and highways in the City of New York, that is to say :

Beginning at the McComb's Dam Bridge on Jerome avenue and extending through and along said avenue to the city line.

Beginning on Morris avenue at its intersection with Third avenue extending north through and along said Morris avenue to Fordham Landing (or High Bridge) road.

Beginning at the Harlem river on Willis avenue and extending north through and along said Willis avenue to its intersection with Melrose avenue ; thence through and along said Melrose avenue to its intersection with Webster avenue ; thence through and along said Webster avenue to its intersection with the Bronx River Road ; thence through and along said road to the City Line.

Beginning at the City Line at the Bronx river on Tremont avenue and extending west through and along said Tremont avenue to its intersection with Webster avenue and Burnside avenue ; thence through and along said Burnside avenue to its intersection with Sedgwick avenue and Cedar avenue ; thence through and along Cedar avenue to its intersection with Riverview Terrace ; thence southerly through and along said Riverview Terrace to its intersection with Sedgwick avenue, also west through and along Dock street from its intersection with the Riverview Terrace to the tracks of the New York and Northern Railroad Company.

Beginning at the intersection of Olin avenue with Webster avenue and extending east through and along said Olin avenue to the city line.

Beginning at Washington Bridge, on Boscobel avenue, and extending east through and along said avenue to its intersection with Jerome avenue.

Beginning at the terminus of the tracks of the Harlem Bridge, Morrisania and Fordham Railway Company at Fordham, extending west over and across the bridge of the New York and Harlem Railroad to Kingsbridge road; thence through and along said road to its intersection with High Bridge Road; thence through and along said High Bridge Road to its intersection with Sedgwick avenue; thence northerly along said avenue to its intersection with Bailey avenue; thence along Bailey avenue to its intersection with Broadway at Kingsbridge.

Beginning on Sedgwick avenue at its intersection with Jerome avenue and extending in a northerly direction through and along said avenue to the City Line. Together with the necessary connections, switches, turn-outs, turn-tables and suitable stands for the convenient working of the said road, its extensions and branches.

And your petitioner further shows that pursuant to the law of this State, it is necessary that your petitioner obtain the consent of the Common Council of the City of New York to enable your petitioner to construct, extend, maintain and operate and use the railroad for whose construction, extension, maintenance and operation according to law your petitioner now applies to your Honorable Body for its consent.

The railroad proposed to be constructed, extended, maintained and operated by your petitioner as hereinbefore set forth is intended to be operated by any motive power other than locomotive steam power which now or at any time hereafter may lawfully be used and employed on its route.

Your petitioner therefore prays and hereby makes application to the Common Council of the City of New York for its consent and permission to be granted to your petitioner, its successor, successors, lessees and assigns, to construct, extend, maintain and operate a street surface railroad for public use in the conveyance

AMENDED STATEMENT PROPOSED EXTENSION, N. Y. CITY 19
(FIRST EXTENSION).

of persons and property through, upon and along the surface of the streets, avenues and highways as above set forth and described, together with all necessary connections, switches, sidings, turn-outs, turn-tables and suitable stands for the convenient working of said road, and for the accommodation of the company's cars which should be run over the said railroad by your petitioner, its successors, lessees or assigns.

And your petitioner will ever pray, etc.

Dated New York, July 5, 1892.

UNION RAILWAY COMPANY OF NEW YORK CITY.

By EDWARD A. MAHER,
President.

AMENDED STATEMENT OF PROPOSED EXTENSION IN THE
CITY OF NEW YORK.
(FIRST EXTENSION.)

The Union Railway Company of New York City, proposes to construct, maintain, operate and extend a street surface railroad for public use in conveying persons and property in the city of New York, and that the said railroad is proposed to be constructed, extended, maintained and operated with double tracks connecting with the tracks of the said Company already constructed, or that may be constructed, and as may be proper, upon and along the surface of the following streets, avenues and highways in the city of New York; that is to say :

Beginning at the McComb's Dam Bridge, on Jerome avenue, and extending through and along said avenue to the City Line.

Beginning on Morris avenue, at its intersection with Third avenue, and extending north through and along

said Morris avenue to Fordham Landing (or High Bridge) road.

Beginning at the Harlem river on Willis avenue, and extending north through and along said Willis avenue to its intersection with Melrose avenue, thence through and along Melrose avenue to its intersection with Webster avenue, thence through and along said Webster avenue to its intersection with the Bronx River Road, thence through and along said road to the City Line.

Beginning at the City Line at the Bronx river on Tremont avenue, and extending west through and along said Tremont avenue to its intersection with Webster avenue and Burnside avenue, thence through and along said Burnside avenue to its intersection with Sedgwick avenue and Cedar avenue, thence through and along Cedar avenue to its intersection with Riverview Terrace, thence southerly through and along Riverview Terrace to its intersection with Sedgwick avenue, also west through and along Dock street from its intersection with Riverview Terrace to the tracks of the New York and Northern Railroad Company.

Beginning at the intersection of Olin avenue, with Webster avenue, and extending east through and along said Olin avenue to the city line.

Beginning at Washington Bridge, on Boscobel avenue, and extending east through and along said avenue, to its intersection with Jerome avenue.

Beginning at the terminus of the tracks of the Harlem Bridge, Morrisania and Fordham Railway Company, at Fordham, extending west over and across the bridge of the New York and Harlem Railroad to Kingsbridge Road; thence through and along said road to its intersection with High Bridge Road; thence through and along said High Bridge Road to its intersection with Sedgwick avenue; thence northerly along said avenue to its intersection with Bailey avenue; thence along Bailey avenue to its intersection with Broadway at Kingsbridge.

Beginning on Sedgwick avenue, at its intersection with Jerome avenue, and extending in a northerly direction through and along said avenue to the city line.

Together with the necessary connection, switches, turnouts, turntables and suitable stands for the con-

AMENDED STATEMENT PROPOSED EXTENSION, N. Y. CITY 21
(FIRST EXTENSION).

venient working of the said road, its extensions and branches.

Dated New York, July 6th, 1892.

UNION RAILWAY COMPANY OF NEW YORK CITY,
[SEAL.] by EDWARD A. MAHER, President.

STATE OF NEW YORK, {
City and County of New York, { ss. :

Be it remembered, that on this sixth day of July, 1892, at the city of New York, before me personally came Edward A. Maher, President of the Union Railway Company of New York City, with whom I am personally acquainted, who, being by me duly sworn, said that he resides at the city of New York ; that he is the President of the Union Railway Company of New York City ; that he knows the corporate seal of said Company ; that the seal affixed to the foregoing instrument is such corporate seal ; that it was affixed to the foregoing instrument by authority of the Board of Trustees of said Company, and that he signed his name thereto by the like authority, and acknowledged the same to be the act and deed of the said Union Railway Company of New York City, for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set
my hand and affixed my official seal the
day and year first above written.

GEORGE W. VULTEE,
Notary Public (54),
C. & C. of N. Y.

[SEAL.]

(Endorsed) Amended statement of proposed extension of Union Railway Company of the City of New York. State of New York, office of Secretary of State, filed and recorded Jul 7 1892 Th E. Benedict, Deputy Secretary of State.

CONSENT OF LOCAL AUTHORITIES OF THE CITY OF NEW
YORK, AND AFFIDAVITS OF PUBLICATION OF NOTICE
OF HEARING.

(FIRST EXTENSION.)

RESOLVED, That the consent of the Common Council of the City of New York be, and it hereby is, given to the said Union Railway Company of New York City, to the extension, construction, maintenance and operation upon the conditions hereinafter set forth, of extensions or branches of their railroad upon and along the surface of the following streets, avenues and highways of the City of New York, that is to say :

BEGINNING at the McComb's Dam Bridge on Jerome avenue and extending through and along said avenue to the city line.

BEGINNING on Morris avenue at its intersection with Third avenue and extending north through and along said Morris avenue to Fordham Landing (or High Bridge road).

BEGINNING at the Harlem river on Willis avenue and extending north through and along said Willis avenue to its intersection with Melrose avenue ; thence through and along said Melrose avenue to its intersection with Webster avenue ; thence through and along said Webster avenue to its intersection with the Bronx River road ; thence through and along said road to the City Line.

BEGINNING at the City Line at the Bronx river on Tremont avenue, and extending west through and along said Tremont avenue to its intersection with Webster avenue and Burnside avenue ; thence through and along said Burnside avenue to its intersection with Sedgwick avenue and Cedar avenue ; thence through and along Cedar avenue to its intersection with Riverview Terrace ; thence southerly through and along said Riverview Terrace to its intersection with Sedgwick avenue, also west through and along Dock street from its intersection with Riverview Terrace to the tracks of the New York & Northern Railroad Company.

BEGINNING at the intersection of Olin avenue with Webster avenue and extending east through and along said Olin avenue to the city line.

BEGINNING at Washington Bridge on Boscobel avenue and extending east through and along said avenue to its intersection with Jerome avenue.

BEGINNING at the terminus of the tracks of the Harlem Bridge, Morrisania and Fordham Railway Company, at Fordham, extending west over and across the bridge of the New York & Harlem Railroad to Kingsbridge road ; thence through and along said road to its intersection with Highbridge road ; thence through and along said Highbridge road to its intersection with Sedgwick avenue ; thence northerly along said avenue to its intersection with Bailey avenue ; thence along Bailey avenue to its intersection with Broadway, at Kingsbridge.

BEGINNING on Sedgwick avenue at its intersection with Jerome avenue and extending in a northerly direction through and along said avenue to the city line, together with such switches, sidings, turn-outs, turntables and suitable stands as may be necessary for the convenient operation of said extensions or branches.

FURTHER RESOLVED, That the conditions upon which the said consent is hereby given are as follows, to wit :

FIRST.—That the provisions of Chapter 565 of the Laws of 1890, and the amendments thereof, in so far as the same are not inconsistent with the provisions of Chapter 340 of the Laws of 1892, shall be complied with.

SECOND.—That the President and Treasurer of the said Union Railway Company of New York City shall annually make a verified statement to the Comptroller of the City of New York, on or before the first day of September in each year, of the gross amount of its receipts for the year ending June 30th, next preceding, and also a detailed account of its daily earnings during that period, and the books of said Company shall be open to inspection and examination by said Comptroller or his duly appointed agent, for the purpose of ascertaining the correctness of its report as to its gross earnings, and

may take proofs in relation thereto. Whenever such earnings shall, during any period of six months, exceed an average of one thousand seven hundred dollars per day, then and in that event the said Company shall thereafter annually, on the 1st day of December, pay into the treasury of the city of New York, to the credit of the Sinking Fund of said city, a sum equalling in the aggregate one per cent. of gross earnings, and an additional payment of one per cent. of such gross earnings shall be made by said Company in like manner for each multiple of seventeen hundred dollars per day of such average gross earnings. The gross receipts of all the lines of road owned by the said Company, whether operated by said Company or by lessees thereof, or any portion thereof, shall be deemed gross earnings of said Company within the meaning of this section. The payment of the percentage of gross receipts herein provided for shall be in lieu of all other percentages which any of the roads consolidating and forming the said Union Railway Company of New York City, may, therefore, be liable to pay on its receipts.

THIRD.—In the construction of said extension or branches, the equipment, material and work employed shall be of the best quality and character, and the cars thereon shall be run as often as the convenience of the public may require.

FOURTH.—That the said Railway Company and any person or corporation using the track, or any part of the track extended, constructed or laid out under or pursuant to this consent, shall comply with all reasonable ordinances or regulations which the local authorities having charge of the aforesaid extensions or branches shall make as to the rate of speed and removal of ice and snow, and shall not charge any passenger more than five cents from or to any point on the branches or extensions hereinbefore described, within the present limits of the city of New York, nor from or to any point

on said route or routes operated by said Company or under its control, and connecting with the route hereinabove described, to or from any point on said route, or any route, extension or branch operated by said Company or under its control, and connecting with the route hereinabove described, within the present limits of the city of New York.

FIFTH.—That the cars to be used on such branches or extensions to the construction of which this consent is given may be operated by any motive power other than locomotive steam power.

Adopted by the Board of Aldermen August 23d, 1892.
Approved by Mayor, August 26th, 1892.

[SEAL.] MICHAEL F. BLAKE,
Clerk of the Common Council.

(Filed in the office of Clerk of New York County, January 17, 1893.)

OFFICE NEW YORK NEWS PUBLISHING CO. :

STATE OF NEW YORK, }
City and County of New York, } ss. :

WILLIAM HOBSON of the City and County of New York, being duly sworn, says that he is a Principal Clerk employed in the office of the *New York News*, a Newspaper published in the said City and County of New York, and that the Notice, of which the annexed is a copy, has been regularly published in said *New York News* fourteen times successively, commencing on the 14th day of July, 1892.

WM. HOBSON.

Sworn before me this 3rd {
day of August, 1892. }

LOUIS RATZEL,
Notary Public (3),
City and County of New York.

STATE OF NEW YORK, }
City and County of New York, } ss. :

A. B. PADDOCK, being duly sworn, saith that he is Chief Clerk in the office of the *New York Daily Sun*, a newspaper printed in the City of New York, that the advertisement hereto annexed has been published in the said *New York Daily Sun*, fourteen times consecutively, commencing July 14, 1892.

A. B. PADDOCK.

Sworn to before me, this 3rd }
 day of August, 1892. }

A. H. BRADLEY,
 Notary Public,
 N. Y. Co.

STATE OF NEW YORK, }
City and County of New York, } ss.:

DAVID S. OWEN, being duly sworn, says, that he is the Principal Clerk of the Publisher of The New York *Law Journal*, a Daily Newspaper printed and published in the City of New York; that the advertisement hereto annexed has been regularly published in the said The New York *Law Journal* daily for Fourteen days successively, commencing on the 15th day of July, 1892.

DAVID S. OWEN.

Sworn to before me this 6th }
 day of August, 1892. }

JOHN COSGROVE,
 Notary Public (197),
 New York Co.

PUBLIC NOTICE.

OFFICE OF THE CLERK OF THE COMMON COUNCIL,
No. 8 City Hall.

NEW YORK, July 13, 1892.

Pursuant to directions given me in the following resolution, which was adopted by the Common Council, July 12, 1892, and approved by the Mayor, July 13, 1892, viz. :

Resolved, That the 2d day of August, 1892, at 1 o'clock P. M., and the Chamber of the Board of Aldermen, be and they hereby are designated as the time and place when and where the application of the Union Railway Company of New York City to the Common Council of the City of New York, for its consent and permission that the petitioner may extend the existing railroad tracks of said petitioner, and may build, construct, extend, maintain and operate extensions or branches of the said petitioner's railroad in the City of New York, as set forth in the petition of said company for such consent, will be first considered, and that public notice be given by the Clerk of this Board by publishing the same daily for fourteen days in two daily newspapers, published in this city to be designated therefor by his Honor the Mayor, according to the provision of section 92, as amended, of the Railroad Law, and in the New York *Law Journal*, such advertising to be at the expense of the petitioner.

Public notice is hereby given that at the time and place named in the resolution the following application of the Union Railway Company will be considered as required by the provisions of the railway law.

(Here follows petition.)

All persons interested in the foregoing application are hereby notified to be present at the time and place mentioned in the resolution.

MICHAEL F. BLAKE,
Clerk Common Council.

ACCEPTANCE OF CONSENT OF LOCAL AUTHORITIES OF
THE CITY OF NEW YORK.

(FIRST EXTENSION.)

KNOW ALL MEN BY THESE PRESENTS THAT—

WHEREAS, On the 12th day of July, 1892, application was duly made by the Union Railway Company of New York City to the Common Council of the City of New York for its consent to extend, construct, maintain and operate certain branches and extensions of its line of railway upon certain streets, avenues and highways in said city ; and

WHEREAS, The said Common Council, by resolution duly passed on the 23d day of August, 1892, gave its consent to the said Union Railway Company of New York City to construct, operate and maintain such branches and extensions, which resolution was on the 26th day of August, 1892, duly approved and signed by the Mayor of the City of New York.

NOW, THEREFORE, the Union Railway Company of New York City, by these presents, does hereby accept in all respects the said consent of the municipal authorities of the city of New York to the construction, operation and maintenance of said branches and extensions, and the conditions upon which the said consent was granted.

UNION RAILWAY COMPANY OF NEW YORK CITY,
[SEAL.] By EDWARD A. MAHER,
President.

Dated New York City, August 31, 1892.

STATE OF NEW YORK, {
City and County of New York, } ss.:

Be it remembered that on this 31st day of August, 1892, at said city of New York, before me, Daniel F

Cohalan, a duly authorized Notary Public for the city, county and State aforesaid, came Edward A. Maher, with whom I am personally acquainted, and known to me to be the President of the Union Railway Company of New York City, the corporation described in and which executed the above instrument, who, being by me duly sworn, did depose and say that he resides in the city and county of New York and State of New York ; that he is the President of the Union Railway Company of New York City ; that he knows the corporate seal of said Company ; that the seal affixed to the foregoing instrument is such corporate seal, and was so affixed by order of the Board of Directors of said Company, and that he signed his name thereto by the like order as President of said Company, and acknowledged the same to be the act and deed of said Company for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my official seal the
day and year above written.

DANIEL F. COHALAN,
Notary Public (175),
City and County of New York.

(Ordered filed by Common Council September 14,
1892.)

STATEMENT OF PROPOSED EXTENSION IN WESTCHESTER COUNTY.

The Union Railway Company of New York City proposes to construct, maintain, operate and extend a street surface railroad for public use in conveying persons and property in the City of New York, and said railroad is proposed to be constructed, extended, maintained and operated with single or double tracks, connecting with the tracks of said company already con-

structed or that may be constructed upon Tremont Avenue, formerly called Locust Avenue, in the City of New York, over and west of the Bronx River at its intersection with said Tremont Avenue, and as may be proper upon and along the surface of the following streets, avenues and highways in the County of Westchester, extending through the Town of Westchester, the Village of Westchester, and the Villages of Williams Bridge and South Mount Vernon to the City of Mount Vernon, that is to say :

Beginning at Fifteenth Avenue and Third Street in the Village of Williams Bridge, thence along said Third Street to White Plains Road, thence along said White Plains Road to Briggs Avenue; thence along said Briggs Avenue to the Old Boston Road; thence along said Boston Road to the road leading from Williams Bridge to Westchester Village; thence along said road to Main Street in Westchester Village; thence along said Main Street to the road to Fort Schuyler; thence along said road to the Eastern Boulevard; thence along said Boulevard to the new road on Long Island Sound, and thence along said new road to Long Island Sound.

Also beginning at the junction of the Bronx River and the new West Farms Road, thence easterly along said road to Silver Lane, thence easterly along said Silver Lane to Main Street in Westchester Village; thence along said Main Street to Westchester Creek, with the branch running from said West Farms Road northerly along the Bear Swamp Road to the point opposite the Mullally property on said Bear Swamp Road; also with the branch beginning at the intersection of the road leading from Van Nest station to Bronxdale and the new road now being constructed through the Seggerman Farm and running thence southerly along the road leading to Unionport to the Southern Turnpike Road and thence easterly along the Southern Turnpike Road to Avenue C, Unionport, and thence southerly along said Avenue C to Second Street in Unionport.

Also beginning at the junction of the Bronx River and the New West Farms Road, thence easterly along said road to Watson's Lane, thence northerly along said lane as now being improved to the road leading from the Van Nest station to Bronxdale, thence east-

erly along the new road being constructed through Seggerman's Farm and Mulally's property to the Bear Swamp Road, and thence southerly along the Bear Swamp Road to the West Farms Road, thence easterly along West Farms Road to Silver Lane, and thence easterly along Silver Lane to Main Street in Westchester Village, and thence northerly along said Main Street to Westchester Creek.

Also beginning at the junction of the Bronx River and Olin Avenue in the Village of Williams Bridge, thence easterly along said Olin Avenue to the Old White Plains Road, thence along said road to the Bear Swamp Road at Bronxdale; thence along said Bear Swamp Road to the West Farms Road, thence along said road to Silver Lane, thence along said Silver Lane to Main Street in Westchester Village, thence along said Main Street to Westchester Creek.

Also beginning at the junction of the Bronx River and the Southern Turnpike to Main Street in Westchester Village, thence southerly along said Main Street to Westchester Creek and with the branch beginning at said Southern Turnpike and the road leading to Clasons Point, thence southerly along said road to the East River.

Also beginning on the White Plains Boulevard or Third Street at the northerly boundary line of said village of South Mount Vernon, running thence southerly to 15th Avenue in said village; also through and along 19th and 20th Avenues from Third Street or White Plains Road to the Bronx River, and First Street from 19th to 20th Avenues.

Also beginning at the junction of the Bronx River and Olin Avenue in the village of Williams Bridge, thence easterly along said Olin Avenue to the old White Plains Road, thence southerly along said road to the limits of said village. And

Also beginning at 15th Avenue and Third Street, in the village of Williams Bridge, thence along said Third Street to White Plains Road, thence along said White Plains Road to Briggs Avenue, thence along said Briggs Avenue to the limits of said village.

Dated, September 1, 1892.

UNION RAILWAY COMPANY OF NEW YORK CITY,

By

[SEAL.]

EDWARD A. MAHER,
President.

(Endorsed) Union Railway Company of New York City. Certificate of Extension in Westchester County. State of New York Office of Secretary of State. Filed and recorded Sep 10 1892 Th. E. Benedict Deputy Secretary of State.

CONSENT OF THE LOCAL AUTHORITIES OF THE VILLAGE
OF WILLIAMSBRIDGE TO EXTENSION OF ROUTE.

At a special meeting of the Board of Trustees of the Village of Williamsbridge, duly held on Thursday, the 22d day of September, 1892, the following members were present :

A. J. Mace, Chairman,
W. H. Keating,
Peter Schweickert,
Robert W. Madden,
Ignatius E. Dickert, and the clerk.

Meeting called to order at 8:48 P. M.

Clerk read special call of meeting, which, on motion of Trustee Schweickert, seconded by Trustee Madden, was adopted and ordered filed.

RESOLUTIONS.

Trustee Keating offered the following resolution seconded by Prest. Mace :

WHEREAS, application in writing has been made to this Board on the first day of September, 1892, by the Union Railway Company of New York City, a corporation duly organized under the Laws of the State of New York, for the purpose of building and operating a street surface railroad, for the consent of this Board to extend the lines and tracks of said Railway Company and to build, lay and operate the same through and along certain streets, roads and highways in the Village of Williamsbridge, in the County of Westchester, namely :

Beginning at the junction of the Bronx River and

Olin Avenue, in the Village of Williamsbridge, thence easterly along said Olin Avenue to the Old White Plains Road, thence southerly along said road to the limits of the said village ; and

Also beginning at Fifteenth Avenue and Third street in the Village of Williamsbridge, thence along said Third street to White Plains Road, thence along said White Plains Road to Briggs Avenue ; thence along said Briggs Avenue to the limits of said village ; and

WHEREAS, Public notice of the time and place where said application would first be considered by this Board was duly published, and said application coming on regularly to be heard and due consideration having been given the same ;

NOW THEREFORE RESOLVED, that upon the condition that the provisions of Chapter 565 of the Laws of 1890, and the amendments thereof, in so far as the same are not inconsistent with the provisions of Chapter 340 of the Laws of 1892, shall be complied with, the consent of the Board of Trustees of the Village of Williamsbridge, in the County of Westchester, be and the same is hereby given to the said Union Railway Company of New York City to extend the lines and tracks of said railroad and to build, lay and operate the same through and along the following streets, roads and highways in the Village of Williamsbridge, in the County of Westchester, namely :

Beginning at the junction of the Bronx River and Olin avenue, in the Village of Williamsbridge, thence easterly along said Olin Avenue to the Old White Plains Road, thence southerly along said road to the limits of said Village ; and also beginning at Fifteenth Avenue and Third street, in the Village of Williamsbridge, thence along said Third street to White Plains Road, thence along said White Plains Road to Briggs Avenue, thence along Briggs avenue to the limits of said village ;

AND BE IT FURTHER RESOLVED, That the said lines may be operated by any motive power other than locomotive steam power, subject to the following conditions :

1st. That the rails be laid in conjunction with the macadamizing of the White Plains Road.

2d. That the Union Railway Company of New York City bear the expense of making the road between the tracks.

3d. That the Union Railway Company of New York City be in operation within one year from date of contract.

4th. That the fare from any part of our village to Harlem River be not more than five cents for one continuous ride over any part of their system.

On call for the question the vote was as follows :

Mace, aye.

Keating, aye.

Schweickert, aye.

Madden, aye.

Dickert, aye.

Chairman declared the resolution unanimously carried.

[SEAL.]

VILLAGE OF WILLIAMSBRIDGE, {
County of Westchester, N. Y. } ss..

I, the undersigned, do hereby certify that at a special meeting of the Board of Trustees of Williamsbridge duly held on the 22d day of September, 1892, the said Board of Trustees duly passed a resolution of which the annexed is a true copy.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the Corporate Seal
of said Village at Williamsbridge, N. Y.,
aforesaid, on this 18 day of June, 1895.

ROBERT WALLACE,
Clerk of the Board of Trustees of
Williamsbridge, N. Y.

VILLAGE OF WILLIAMSBRIDGE, {
County of Westchester, N. Y. } ss.:

I, the undersigned, do hereby certify that at a special meeting of the Board of Trustees of Williamsbridge, duly held on the 22d day of September, 1892, the said Board of Trustees duly passed a resolution giving a charter to the Union Railway Company of New York City, said resolution being more fully recorded in the Book of Minutes of that date on pages 143, 144 and 145.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed the Corporate Seal
[SEAL.] of said Village, at Williamsbridge, N. Y.,
aforesaid, on this 15th day of May, 1895.

ROBERT WALLACE,
Clerk of the Board of Trustees
and of Williamsbridge, N. Y.

PERMIT OF DEPARTMENT OF PUBLIC PARKS TO ERECT
OVERHEAD WIRES OVER THE MADISON AVENUE
BRIDGE.

THE UNION RAILWAY COMPANY OF NEW YORK CITY, having heretofore applied for permission to maintain its tracks upon and across the Madison Avenue Bridge for the purpose of running across the said bridge, which cars have been heretofore operated by animal traction, and the said company having determined to operate its cars across the said bridge and upon the rest of its route by electric traction ;

Now, for the purpose of enabling said company to effect such change, and for the purpose of securing the proper operation of the bridge as a drawbridge when so operated, and for the purpose of securing to the public the greater facilities to be afforded by the use of electric power as a motive power, and for other purposes.

Resolved, That the Union Railway Company of New York City is permitted to maintain its tracks

upon and across the Madison Avenue Bridge, and is permitted to run cars operated by electric power thereon, and to erect upon the bridge poles fit to carry the wires necessary for the propulsion of the said electric cars upon the bridge, and to construct whatever additional fixtures and wires which may be required for such purposes, and has hereby granted to said company full power and authority to run cars to be operated by electric power on the tracks upon and across the Madison Avenue Bridge, provided, however, that the said company shall so construct its tracks, poles, wires, fixtures and appurtenances, and shall so run, manage and operate its cars as not to impair the use of the bridge as a drawbridge and public highway, and provided, further, the said company shall submit a detailed specification for the work to be done to this Department for approval; and further, that this permission shall be subject to any change in the elevation or grade of the bridge and approaches.

Further Resolved, That the said Union Railway Company, in consideration of the license herein granted, and during the life of this permit shall supply electric power sufficient to operate the motor to turn the draw of the bridge, the power to be supplied during the whole twenty-four hours, it being understood that the Department of Parks shall supply the plant; notice that such supply of power shall be required of the Union Railway Company of New York City shall be given within thirty days prior to the date when such power shall be required.

Further Resolved, That should it be found at any time inoperative or inadvisable by said Union Railway Company of New York City to operate its cars by electric traction it may abandon the use of such power and revert to the use of animal power.

In Board, November 23, 1892.

Adopted.

CHARLES DE F. BURNS,
Sec'y D. P. P.

PETITION TO COMMON COUNCIL OF THE CITY OF NEW
YORK.

(SECOND EXTENSION.)

*To the Honorable the Common Council of the City of
New York :*

The Union Railway Company of New York City herewith makes and files this application to said authorities to be allowed to build the branches and extended lines of the railway hereafter fully described.

Said Union Railway Company of New York City says that it is a street surface Railway Company, organized and existing under and by virtue of the laws of the State of New York, under which it is authorized to build, maintain and operate street surface railways on the following streets :

Commencing at or near One hundred and Thirtieth street on Third avenue, along said avenue to and across the Harlem Bridge.

Commencing at or near the termination of the Harlem or Cole's Bridge on the Westchester side on the Boston road, and running along said road to a point where the said road intersects with Fordham avenue ; and thence along said Fordham avenue, with necessary turnouts to the Kingsbridge road ; thence along the same to the Harlem Railroad at or near its depot at Fordham ;

Along One hundred and Thirty-eighth street in the Town of Morrisania to Port Morris, and along William street, Grove street, Butternut street, Cedar street and River avenue, in said Town of Morrisania, and across Cromwell's creek to the Village of Highbridgeville ;

And along the Boston Post Road to the Village of West Farms and the Village of Westchester in the town of Westchester, through Lincoln avenue and One hundred and Thirty third street, or through both of said streets and avenues in the Town of Morrisania ;

Along Westchester avenue or Southern Westchester turnpike from its junction with Third avenue or Boston Road in the Town of Morrisania, through the Towns of West Farms and Westchester to Westchester Village,

and through and along Morris street and Locust avenue in the Town of West Farms from the Harlem Railroad to West Farms Village ;

Through and along St. Ann's avenue to its southern terminus, and through and along Van Stoll street, otherwise known as One hundred and Thirty-eighth street, from Third avenue to the Harlem river, and also through and along College avenue from Kingsbridge road to its intersection with the road known as Fordham and Pelham avenue, and through and along the last-named avenue to Pelham Bridge in the Town of Westchester, and also from the present terminus of the tracks of said corporation, at or near Locust avenue in the late Town of West Farms, through and along the main road leading in an easterly direction to the point where the said main road intersects with the Westchester turnpike in the said Town of Westchester :

From its tracks on Third avenue, through and along Morris avenue, with double tracks, to East Railroad avenue ; thence northerly through, upon and along East Railroad avenue, with double tracks, to East One hundred and Fifty-fifth street ; thence westerly through, upon and along East One hundred and Fifty-sixth street, and across the tracks of the New York and Harlem Railroad Company, with double tracks, to West Railroad avenue, thence northerly through, upon and along West Railroad avenue, with double tracks to Morris avenue, thence northerly through, upon and along Morris avenue, with double tracks to East One hundred and Sixty-first street.

Commencing at East One hundred and Forty-ninth street and Morris avenue, running thence easterly with single tracks, to Cortlandt avenue ; thence running northerly through, upon and along Courtland avenue, with double tracks, to East One hundred and Sixty-first street ;

Also, from the tracks on Morris avenue and East One hundred and Forty-eighth street, running thence easterly through, upon and along East One hundred and Forty-eighth street, with single tracks, to Courtland avenue ; thence through, upon and along Courtland avenue, with double tracks, to connect with the tracks at East One hundred and Forty-ninth street ; thence southerly upon and along Courtland avenue, with double tracks, to the intersection of Courtland avenue and North Third avenue ;

Also, beginning at North Third avenue at or near East One hundred and Thirty-eighth street, running thence westerly through, upon and along East One hundred and Thirty-eighth street, with double tracks, to Mott avenue; thence northerly through, upon and along Mott avenue, with double tracks, to East One hundred and Sixty-fifth street; thence easterly through, upon and along East One hundred and Sixty-fifth street, with double tracks, to the entrance of Fleetwood Park;

Also, beginning at the intersection of Mott avenue with East One Hundred and Sixty-first street; thence running easterly through, upon and along East One Hundred and Sixty-first street, with double tracks, to the intersection of said street with North Third avenue, and to the tracks of the Harlem Bridge, Morrisania and Fordham Railway Company;

Through and along East Railroad avenue, with double tracks, to East One Hundred and Fifty-eighth street; thence westerly through, upon and along East One Hundred and Fifty-eighth street and across the tracks of the New York and Harlem Railroad Company and West Railroad avenue, with double tracks, to Morris avenue;

Through and along Morris avenue to its junction with One Hundred and Sixty-fifth street;

Beginning at the McComb's Dam Bridge on Jerome avenue and extending through and along said avenue to the city line;

Beginning on Morris avenue at its intersection with Third avenue and extending north through and along said Morris avenue to Fordham Landing (or High Bridge road);

Beginning at the Harlem river on Willis avenue and extending north through and along said Willis avenue to its intersection with Melrose avenue; thence through and along said Melrose avenue to its intersection with Webster avenue; thence through and along said Webster avenue to its intersection with the Bronx River road; thence through and along said road to the city line;

Beginning at the city line at the Bronx river on Tremont avenue and extending west through and along said Tremont avenue to its intersection with Webster avenue and Burnside avenue; thence through and along said Burnside avenue to its intersection with Sedgwick avenue and Cedar avenue; thence through and along

Cedar avenue to its intersection with Riverview Terrace ; thence southerly through and along said Riverview Terrace to its intersection with Sedgwick avenue ; also west through and along Dock street from its intersection with Riverview Terrace to the tracks of the New York and Northern Railroad Company ;

Beginning at the intersection of Olin avenue with Webster avenue and extending east through and along said Olin avenue to the city line ;

Beginning at Washington Bridge on Boscobel avenue and extending east through and along said avenue to its intersection with Jerome avenue ;

Beginning at the terminus of the tracks of the Harlem Bridge, Morrisania and Fordham Railway Company at Fordham, extending west over and across the bridge of the New York and Harlem Railroad to Kingsbridge road ; thence through and along said road to its intersection with High Bridge road ; thence through and along said High Bridge road to its intersection with Sedgwick avenue ; thence northerly along said avenue to its intersection with Bailey avenue ; thence along Bailey avenue to its intersection with Broadway at Kingsbridge ;

Beginning on Sedgwick avenue at its intersection with Jerome avenue, and extending in a northerly direction through and along said avenue to the city line.

Together with the necessary connections, switches, turn-outs, turn-tables and suitable stands for the convenient working of the said roads, their extensions and branches.

Said corporation has constructed and is now operating the following line of railway :

Commencing at or near One hundred and Thirtieth street on Third avenue ; thence through and along said avenue to and across the Harlem or Cole's Bridge ; thence along Third avenue, formerly known as the Boston road, to its intersection with Fordham avenue ; thence along said Fordham avenue, with necessary turn-outs, to Kingsbridge road ; thence along the same to the Harlem road at or near its depot at Fordham ;

Along One hundred and Thirty-eighth street, in the Town of Morrisania, to Port Morris ;

Through and along Lincoln avenue, from its intersec-

tion with Third Avenue in a southerly direction to One hundred and Thirty-third street; through and along One hundred and Thirty-third street in an easterly direction to its intersection with Lincoln avenue; along Westchester avenue or Southern Westchester Turnpike, from its Junction with Third avenue or Boston road to the Bronx river; along the Boston road, from its intersection with Third avenue to the Bronx river, at the Village of West Farms;

Through and along One hundred and Thirty-eighth street, formerly known as Van Stoll street to the Harlem river; thence across the Madison Avenue Bridge to the northerly terminus of Madison avenue;

Also a single track line, commencing on the Boston road at the Bronx river; thence extending easterly along said road six hundred feet; also three hundred feet of further track at this point partially completed.

That the Union Railway Company of New York City, as aforesaid, desires to give its patrons, customers and the public, continuous transportation over its lines as now existing and of the others hereinafter described and applied for.

That it would be of great public convenience, if it be allowed to furnish such transportation over a continuous line for one fare to those desiring to pass over such lines, and that, if this application be granted, such right will be accorded to the public.

That the Union Railway Company of New York City desires to construct, extend and establish the following extensions and branches:

Through and along Exterior avenue, as the same now is or may hereafter be laid out, from its junction with Third avenue to its junction at Eighth avenue;

From the southern terminus of the Madison Avenue Bridge, through and along Madison avenue, to One hundred and Thirtieth street;

Through and along One hundred and Thirty-fifth street in a westerly direction, from its junction with Madison avenue to Eighth avenue;

Also along the bridge across the Harlem river, from

Third avenue to Second avenue, and along Second avenue to One hundred and Twenty-fifth street ;

Through and along One hundred and Twenty-fifth street in a westerly direction to Fourth avenue ;

Through and along Fourth avenue, from One hundred and Twenty-fifth street, to One hundred and Thirtieth street ;

Also through and along One hundred and Thirtieth street from Fourth avenue to Madison avenue ;

From the easterly terminal of what is now known as Washington Bridge, through and along Boscobel avenue to Jerome avenue ;

Through and along Broadway in a northerly direction, from its intersection with Kingsbridge road, to the northerly city line.

Your petitioner alleges that said branches and extensions cannot be operated as independent railroads without inconvenience to the public, but that it is to the public advantage that the same should be operated as a continuous line or route with the said railroad now existing.

And your petitioner further shows that, pursuant to the law of this State, it is necessary that your petitioner obtain the consent of the Common Council of the City of New York to enable your petitioner to construct, extend, maintain and operate and use the said railroad, for whose construction, extension, maintenance and operation, according to law, your petitioner now applies to your Honorable Body for its consent.

The extensions and branches proposed to be constructed, extended, maintained and operated by your petitioner as hereinbefore set forth are intended to be operated by any motive power, other than locomotive steam power, which now or at any time hereafter may lawfully be used and employed on its route.

Your petitioner, therefore, prays and hereby makes application to the Common Council of the City of New York for its consent and permission to be granted to your petitioner, its successor, successors lessees and assigns, to construct, extend, maintain and operate a

street surface railroad for public use in the conveyance of persons and property through, upon and along the surface of the streets, avenues and highways as above set forth and described, together with all necessary connections, switches, sidings, turnouts, turntables and suitable stands for the convenient working of said road, and for the accommodation of the company's cars which should be run over the said railroad by your petitioner, its successors, lessees or assigns.

Wherefore, it most respectfully prays that this application be granted, and that the public and local authorities consent thereto.

Dated New York, December 5, 1892.

UNION RAILWAY COMPANY OF NEW YORK CITY.

By EDWARD A. MAHER, President.

PERMITS OF BOARD OF ELECTRICAL CONTROL FOR OVER-
HEAD WIRES FOR SIGNALING OR ELECTRIC LIGHT
AND POWER, AND FOR USE OF WOODEN POLES UPON
BROADWAY.

No. 7450.

OFFICE OF
THE BOARD OF ELECTRICAL CONTROL,
1266 Broadway, N. Y.

THE MAYOR OF THE CITY (ex-officio), Prest.

THEO. MOSS, Secretary.

JACOB HESS.

WALTON STORM.

DECEMBER 6th, 1892.

Permission is hereby granted to the Union Railway Co. of New York to erect the necessary poles, wires and overhead construction for the proper operation of

the electric street surface cars on the following streets : provided said construction be done under the direction of the Engineer of this Board :

St. Ann's avenue, from Southern Boulevard to Third avenue at 161st street ; 161st street, from Third avenue to Jerome Ave.; Jerome Ave., from McCombs Dam Bridge to northern city line.

Morris Ave., from Third Ave. to Fordham Landing.

Willis Ave., from Melrose Ave. to Webster Ave. and along Webster Ave. to Bronx River Road, and along said road to city line.

Tremont Ave., from city line to Webster Ave. and Burnside Ave., along said Burnside Ave. to Sedgwick Ave. and Cedar Ave., along Cedar Ave. to Riverview Terrace, along Riverview Terrace to its intersection with Sedgwick Ave., also west through and along Dock street from its intersection with Riverview Terrace to the tracks of the N. Y. and Northern R. R. Co.

Olin Ave., from Webster Ave. to the city line.

Boscobel Ave., from Washington Bridge to Jerome Ave.

From their terminus at Fordham to Kingsbridge Road, along said road to High Bridge Road, along said High Bridge Road to Sedgwick Ave., along said Ave. to Bailey Ave., along Baily Ave. to Broadway at Kingsbridge.

Sedgwick avenue, from Jerome avenue to the city line.

Consent of property owners first to be obtained.

By order of the Board.

THEODORE MOSS,
Secretary.

No. 11678.

FEBRUARY 23, 1894.

Permission is hereby granted to the Union Railway Company to string a feeder wire on poles under the

electric light line on the west side of Third avenue from the Harlem Bridge to 184th street, and to transfer one feeder wire from the east side to west side of the Third avenue from 150th street to 138th street.

Provided that all feeder wires erected on Third avenue will be removed as soon as the above wires have been erected and proper connections made.

This construction to be done under the supervision of an inspector of this Board.

Subject to the rules and regulations of the Board as printed on back hereof.

By order of the Board,

THEODORE MOSS,
Secretary.

No. 11679.

FEBRUARY 23, 1894.

Permission is hereby granted to the Union Railway Company to string two feeder wires on your poles under the electric light line on Boston avenue, from West Farms to Third avenue.

Provided the three feeder wires that are now up along this avenue will be removed as soon as the above are erected and connected.

This construction to be done under the supervision of an inspector of this Board.

Subject to the rules and regulations of the Board as printed on back hereof.

By order of the Board.

THEODORE MOSS,
Secretary.

No. 11680.

FEBRUARY 23d, 1894.

Permission is hereby granted to the Union Railway Company to string feeder wire on your poles along Main street, from your power house to West Farms.

This work to be done under the supervision of an inspector of this Board.

Subject to the rules and regulations of the Board as printed on back hereof.

By order of the Board.

THEODORE MOSS,
Secretary.

No. 11,681.

FEBRUARY 23rd, 1894.

Permission is hereby granted to the Union Railway Company to string one feeder wire on your poles along Main street, from your power house to Westchester avenue, thence on the electric light poles to Third avenue.

This work to be done under the supervision of an inspector of this Board.

Subject to the rules and regulations of the Board as printed on back hereof.

By order of the Board.

THEODORE MOSS,
Secretary.

No. 1 1983.

MARCH 14th, 1894.

Permission is hereby granted to the Union Railway Company of New York, in accordance with a resolution of the Board of Aldermen of this city, passed December 27th, 1892, to erect the necessary poles, wires and other construction for the operation of its electric street cars in the following streets, such construction to be made under the direction and supervision of the engineer and electrical expert of this Board :

From Third avenue and 138th street to and across the Madison avenue Bridge to 135th street : thence westerly along 135th street to Eighth avenue.

Subject to the rules and regulations of the Board as printed on back hereof.

By order of the Board,

THEODORE MOSS,
Secretary.

No. 11,983.

MARCH 14th, 1894.

Permission is hereby granted to the Union Railway Company of New York, in accordance with a resolution of the Board of Aldermen of this City, passed December 27th, 1892, to erect the necessary poles, wires and other construction for the operation of its electric street cars in the following streets ; such construction to be made under the direction and supervision of the engineer and electrical expert of this Board.

From Third avenue and 138th street to and across the Madison Avenue Bridge to 135th street ; thence westerly along 135th street to Eighth avenue.

Subject to the rules and regulations of the Board as printed on back hereof.

By order of the Board,

THEODORE MOSS,
Secretary.

EDWARD A. MAHER. Esq.,
Pres't Union Railway Co.,
New York City :

Dear Sir.—Your letter of the 19th inst. is received and contents noted. This will be your permission to use wooden poles for carrying your overhead trolley wires on Broadway from Kingsbridge to the city line at Yonkers under permit 7450 granted by this Board December 6th, 1892.

The carrying poles are to be of yellow pine, octagon, and of neat appearance.

Yours very truly,

HENRY S. KEARNY,
Secretary.

CONSENT OF LOCAL AUTHORITIES OF THE CITY OF NEW
YORK, AND AFFIDAVITS OF PUBLICATION OF NOTICE
OF HEARING.

(SECOND EXTENSION.)

WHEREAS, On the 6th of December, 1892, an application in writing was made to the Common Council of the City of New York by the Union Railway Company of New York City for consent to the extension, construction, maintenance and operation of branches and extensions of its present railroad upon and along the surface of the streets, avenues and highways of said city, designated in the application of said company as the route or routes of said extensions and branches ;

Whereas, The said Common Council caused public notice of such application and of the time and place where the same would be first considered to be given by publication for at least fourteen days in two daily newspapers in New York City, which papers were designated for the purpose by the Mayor of said city ;

Whereas, After public notice given as aforesaid and a public hearing in pursuance thereof duly had, whereat all persons so desiring were given an opportunity to be heard and were heard, such application has been duly considered by the same Common Council.

Resolved, That the consent of the Common Council of the City of New York be and it hereby is given to the said Union Railway Company of New York City to the extension, construction, maintenance and operation upon the conditions hereinafter set forth, of extensions or branches of their railroad upon and along the surface of the following streets, avenues and highways of the city of New York.

Through and along Exterior avenue, as the same now is or may hereafter be laid out, from its junction with Third avenue to its junction at Eighth avenue.

From the southern terminus of the Madison avenue Bridge through and along Madison avenue to One hundred and Thirtieth street.

Through and along One hundred and Thirty-fifth street, in a westerly direction, from its junction with Madison avenue to Eighth avenue.

Also along the bridge across the Harlem river, from Third avenue to Second avenue, and along Second avenue to One hundred and Twenty-fifth street.

Through and along One hundred and Twenty-fifth street in a westerly direction to Fourth avenue.

Through and along Fourth avenue from One hundred and Twenty-fifth street to One hundred and Thirtieth street.

Also through and along One hundred and Thirtieth street from Fourth avenue to Madison avenue.

From the easterly terminal of what is now known as Washington Bridge, through and along Boscobel avenue to Jerome avenue.

Through and along Broadway in a northerly direction, from its intersection with Kingsbridge road to the northerly city line.

Further Resolved, That the conditions upon which the said consent is hereby given are as follows :

First.—That the provisions of chapter 565 of the Laws of 1890, and the amendments thereof, in so far as the same are not inconsistent with the provisions of chapter 340 of the Laws of 1892, shall be complied with.

Second.—That the President and Treasurer of the said Union Railway Company of New York City shall annually make a verified statement to the Comptroller of the City of New York on or before the first day of September, in each year, of the gross amount of its receipts for the year ending June 30, next preceding, and also a detailed account of its daily earnings during that period, and the books of said Company shall be open to inspection and examination by said Comptroller, or his duly appointed agent, for the purpose of ascertaining the correctness of its report as to its gross earnings, and may take proofs in relation thereto. Whenever such

earnings shall, during any period of six months, exceed an average of one thousand seven hundred dollars per day, then in that event the said Company shall thereafter annually, on the first day of December, pay into the Treasury of the City of New York to the credit of the Sinking Fund of said City a sum equaling in the aggregate one per cent. of gross earnings, and an additional payment of one per cent. of such gross earnings shall be made by said Company in like manner for each multiple of seventeen hundred dollars per day of such average gross earnings. The gross receipts of all the lines of road owned by the said Company, whether operated by said Company or by lessees thereof, or any portion thereof, shall be deemed gross earnings of said company within the meaning of this section. The payment of the percentage of gross receipts herein provided for shall be in lieu of all other percentages which any of the roads consolidating and forming the said Union Railway Company of New York City may therefore be liable to pay on its receipts.

Third.—In the construction of said extensions or branches, the equipment, material and work employed shall be of the best quality and character, and the cars thereon shall be run as often as the convenience of the public may require.

Fourth.—That the said Railway Company and any person or corporation using the track, or any part of the tracks extended, constructed or laid out under or pursuant to the consent, shall comply with all reasonable ordinances or regulations which the local authorities having charge of the aforesaid extensions or branches shall make as to the rate of speed and removal of ice and snow, and shall not charge any passenger more than five cents from or to any point on the branches or extensions hereinbefore described within the present limits of the city of New York, nor from or to any point on said route or routes operated by said

CONSENT OF LOCAL AUTHORITIES, N. Y. CITY (SECOND 51
EXTENSION).

Company or under its control and connecting with the route hereinabove described, to or from any point on said route, or any route, extension or branch operated by said Company or under its control and connecting with the route hereinabove described within the present limits of the city of New York.

Fifth.—That the cars to be used on such branches or extensions to the construction of which this consent is given may be operated by any motive power other than locomotive steam power.

Adopted by the Board of Aldermen, December 27, 1892.

Approved by the Mayor, December 28, 1892.

(Filed in office of Clerk of New York County, Jan. 17, 1893.)

OFFICE NEW YORK NEWS PUBLISHING CO.

STATE OF NEW YORK, }
City and County of New York, } ss. :

WILLIAM HOBSON, of the City and County of New York, being duly sworn, says that he is the Principal Clerk of the Publisher of the *New York News*, a Newspaper published in the said City and County of New York, and that the Notice of which the annexed is a copy, has been regularly published in said *New York News* fourteen times successively, commencing on the 7th day of December, 1892.

WM. HOBSON.

Sworn before me this 30th }
day of September, 1898. }

LOUIS RATZEL,
Notary Public (7),
City and County of New York.

STATE OF NEW YORK, }
City and County of New York, } ss.:

L. O. MACDANIEL, being duly sworn, saith that he is cashier in the office of *The Sun*, a newspaper printed in the City of New York, Borough of Manhattan, that the advertisement hereto annexed has been published in the said *The Sun* fourteen times consecutively commencing December 7, 1892.

L. O. MACDANIEL.

Sworn to before me, this 29th {
 day of September, 1898. }

A. H. BRADLEY,
 [SEAL.] Notary Public,
 New York.

PUBLIC NOTICE.

OFFICE OF THE CLERK OF THE COMMON COUNCIL,
 No. 8 City Hall,

NEW YORK, Dec. 7th, 1892.

Pursuant to directions given me in the following resolution, which was adopted by the Common Council December 6th, 1892, and approved by the Mayor December 7th, 1892, viz. :

Resolved, That the 23rd day of December, at 1 o'clock, P. M., and the Chamber of the Board of Aldermen be and they hereby are designated as the time and place when and where the application of the Union Railway Company of New York City to the Common Council of the City of New York for its consent and permission that the petitioner may extend the existing railroad tracks of said petitioner, and may build, construct, extend, maintain and operate extensions or branches of said petitioner's railroad in the City of New York, as set forth in the petition of said company, for such consent will first be considered, and that public notice be given by the Clerk of this Board by pub-

ACCEPTANCE OF CONSENT OF LOCAL AUTHORITIES, N. Y. 53
CITY (SECOND EXTENSION).

lishing the same daily for fourteen days in two daily newspapers published in this city, to be designated therefor by his Honor the Mayor, according to the provisions of section 92, as amended, of the Railroad Law ; such advertising to be at the expense of the petitioner.

Public notice is hereby given that at the time and place named in the resolution the following application of the Union Railway Company of New York City will be considered, as required by the provisions of the Railroad Law.

(Here follows petition.)

All persons interested in the foregoing application are hereby notified to be present at the time and place mentioned in the application.

MICHAEL F. BLAKE,
Clerk Common Council.

ACCEPTANCE OF CONSENT OF LOCAL AUTHORITIES OF THE
CITY OF NEW YORK.

(SECOND EXTENSION.)

KNOW ALL MEN BY THESE PRESENTS THAT—

WHEREAS, on the 6th day of December, 1892, application was duly made by the Union Railway Company of New York City to the Common Council of the City of New York for its consent to extend, construct, maintain and operate certain branches and extensions of its line of railway upon certain streets, avenues and highways in said city ;

AND WHEREAS, the said Common Council, by resolution duly adopted on the 27th day of December, 1892, gave its consent to the said Union Railway Company of New York City to construct, operate and maintain such branches and extensions, which resolution was, on the

28th day of December, 1892, duly approved and signed by the Mayor of the City of New York ;

Now, therefore, the said Union Railway Company of New York, by these presents, does hereby accept, in all respects, the said condition of the said local authorities of the city of New York, to the construction, operation and maintenance of said branches and extensions and the conditions upon which the said consent was granted.

[SEAL.] In witness whereof, the said Company has caused these presents to be signed by its President, and its corporate seal to be hereunto affixed this 20th day of February, 1893.

THE UNION RAILWAY COMPANY OF
NEW YORK CITY,

By EDWARD A. MAHER,
President.

STATE OF NEW YORK, }
City and County of New York, } ss. :

Be it remembered, that on this 20th day of February, 1893, at said city of New York, before me, George W. Vultee, a duly authorized Notary Public for the City, County and State aforesaid, came Edward A. Maher, with whom I am personally acquainted, known to me to be the President of the Union Railway Company of New York City, the corporation described in and which executed the above instrument, who, being by me duly sworn, did depose and say, that he resides in the city and county of New York, and State of New York ; that he is the President of the Union Railway Company of New York City ; that he knows the corporate seal of said Company ; that the seal affixed to the foregoing instrument is such corporate seal, and was so affixed by order of the Board of Directors of said Company, and

STATEMENT PROPOSED EXTENSION, N. Y. CITY (SECOND 55
EXTENSION).

that he signed his name thereto by the like order as President of said Company, and acknowledged the same to be the act and deed of said Company for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my official seal the
day and year above written.

GEORGE W. VULTEE.

[SEAL.]

Notary Public (54),
C. & C. of N. Y.

(Ordered on file by Common Council, Feb. 28, 1893.)

STATEMENT OF PROPOSED EXTENSION IN THE CITY OF
NEW YORK.

(SECOND EXTENSION.)

The Union Railway Company of New York City proposes to construct, maintain, operate and extend a street surface railroad, for use in conveying persons and property in the city of New York, and that the said railroad is proposed to be constructed, extended, maintained and operated upon and along the surface of the following streets, avenues and highways in the city of New York, that is to say :

Through and along Exterior avenue, as the same now is or may hereafter be laid out, from its junction with Third avenue to its junction at Eighth avenue.

From the southern terminus of the Madison avenue bridge through and along Madison avenue to One hundred and Thirtieth street.

Through and along One hundred and Thirty-fifth street in a westerly direction, from its junction with Madison avenue to Eighth avenue

Also along the bridge across the Harlem river, from Third avenue to Second avenue, and along Second avenue to One Hundred and Twenty-fifth street.

Through and along One Hundred and Twenty-fifth street in a westerly direction to Fourth avenue.

Through and along Fourth avenue from One Hundred and Twenty-fifth street to One Hundred and Thirtieth street.

Also through and along One Hundred and Thirtieth street, from Fourth avenue to Madison avenue.

From the easterly terminal of what is now known as Washington Bridge, through and along Boscobel avenue to Jerome avenue.

Through and along Broadway in a northerly direction from its intersection with Kingsbridge road to the northerly City Line.

Dated New York, December 4th, 1892.

UNION RAILWAY COMPANY OF NEW YORK CITY,

By EDWARD A. MAHER,

[SEAL]

President.

STATE OF NEW YORK, }
City and County of New York, } ss.:

Be it remembered, that on this 4th day of December, 1892, at the city of New York, before me personally came Edward A. Maher, President of the Union Railway Company of New York City, with whom I am personally acquainted, who, being by me duly sworn, says that he resides at the city of New York; that he is the President of the Union Railway Company of New York City; that he knows the corporate seal of said Company; that the seal affixed to the foregoing instrument is such corporate seal; that it was affixed to the foregoing instrument by authority of the Board of Directors of said Company, and that he signed his name thereto by the like authority, and acknowledged the same to be the act and deed of the said Union Railway Company of New York City, for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set
my hand and affixed my official seal the
day and year first above written.

THOMAS A. MAHER,

[SEAL.] # 271

Notary Public,

N. Y. C. & Co.

(Endorsed) Union Railway Company of New York City—Statement of Proposed Extension.

State of New York, Office of Secretary of State, filed and recorded Dec. 29 1893.

EXTENSION OF TIME TO COMPLETE GRANTED BY THE
LOCAL AUTHORITIES OF THE VILLAGE OF SOUTH
MOUNT VERNON.

WHEREAS, at an adjourned meeting of the Board of Trustees of the Village of South Mount Vernon, held October 13th, 1894, owing to the non-payment of the sum of \$3,000 and the non-fulfilment of the other terms and conditions of the MOUNT VERNON AND EASTCHESTER RAILWAY COMPANY, of the franchise granted to the said company on Feb. 18th, 1893, said franchise was revoked, and

WHEREAS, The president, Mr. Edward A. Maher, of the UNION RAILWAY COMPANY, which company now controls by lease or contract the said MOUNT VERNON AND EASTCHESTER RAILWAY and its line of road, has appeared before the Board and presented a check for \$3,000 in payment of the balance due and owing from said MOUNT VERNON AND EASTCHESTER RAILWAY COMPANY, now

Resolved, That the action taken by this Board in revoking said franchise be and the same is hereby reconsidered, and the resolution of revocation be and the same is hereby rescinded, and the franchise thereby revoked is hereby restored in full force and effect, and

Resolved, That the time for the completion and operation of the road under said franchise be and the same is hereby extended to the first day of June, 1894, subject however, otherwise to all the other terms and conditions of the franchise as originally granted on the 18th day of February, 1893. Carried.

EXTENSION OF TIME OF ACCEPTANCE OF FRANCHISE,
GRANTED BY THE LOCAL AUTHORITIES OF THE VILLAGE
OF SOUTH MOUNT VERNON.

WHEREAS, a franchise was granted by the Board of Trustees of the Village of South Mount Vernon, at an adjourned regular meeting held on the 18th day of February, 1894, to the UNION RAILWAY COMPANY to operate a line of railroad in the said village, which franchise has not yet been accepted, and

WHEREAS, Edward A. Maher, Esq., president of the UNION RAILWAY COMPANY, has appeared before this Board and signified his willingness to now accept said franchise and has tendered a check for the sum of \$1,500 to be applied towards the macadamizing of its share of the White Plains Road from 19th avenue to 15th avenue in said village, the balance of which amount over and above the sum necessary to macadamize one-fourth part of said road be returned to the said railway company.

Resolved, That the time for the acceptance of said franchise be and the same is hereby extended to April 16th, 1894. Carried.

CONSENT OF THE LOCAL AUTHORITIES OF THE VILLAGE
OF SOUTH MOUNT VERNON TO EXTENSION OF ROUTE.

Resolved, That the proofs of due publication for at least fourteen days in a newspaper published in the Village of South Mt. Vernon, and in a daily newspaper published in the City of Mount Vernon and the City of New York, in pursuance of a resolution of the Board of Trustees of said Village, of the notice of the application in writing of the UNION RAILWAY COMPANY for

the purpose of building and operating a street railway as therein stated, and of the time and place, when and where, such application would be first considered, be and the same are hereby made part of the minutes of this meeting and filed with the records of the proceedings of the said Board of Trustees.

Resolved, That the franchise hereby granted to the UNION RAILWAY COMPANY, its successors or assigns, by virtue of this consent of the Board of Trustees of the Village of South Mount Vernon, is hereby given upon the express conditions that the statutory provisions relating to such consent as are pertinent thereto shall be complied with ; and, further, that a copy of these resolutions shall be duly authenticated and filed in the office of the Clerk of the County of Westchester.

Resolved, That the consent of the Board of Trustees of the Village of South Mount Vernon (being the local authorities empowered by law to grant such consent) be and hereby is given to the UNION RAILWAY COMPANY, its successors or assigns, and under and by virtue of the right heretofore reserved in a franchise this day granted to the MOUNT VERNON AND EAST-CHESTER RAILWAY, said UNION RAILWAY COMPANY being a corporation organized (under the Laws of the State of New York), for the purpose of building and operating or extending a street surface railroad, and which company has applied for the same in writing, to construct, maintain, operate and use a street surface railroad with electricity for motive power, for public use, in the conveyance of persons and property in cars for compensation in said village of South Mount Vernon, together with all necessary switches, sidings, turn-outs, turn-tables and suitable stands as may be necessary in the opinion of the said Board of Trustees, for the convenient working of said railroad on the surface of the streets through, upon and along any and all

of the following streets, avenues, roads or highways in this village, to wit: beginning on the White Plains Boulevard or 3d street at the northerly boundary line of said village of South Mount Vernon, running thence southerly to 15th avenue in said village; also through and along 19th and 20th avenues from 3d street or White Plains road to the Bronx River, and First street from 19th to 20th avenues.

Resolved, That this consent is given upon the conditions in these resolutions following, and shall become null and void on the failure of the said railway company to perform said conditions:

§ 1. That said company, its successors or assigns, before commencing the operation of its line shall execute to this village a bond in the penal sum of one thousand dollars (1,000) conditioned, that the said company will make the necessary repairs to the road bed between its tracks, the rails of its tracks and two (2) feet outside of its tracks, whenever requested by said Board of Trustees in writing so to do, and on failure so to do the village officials of said village may proceed to make such repairs at the expense of the company.

SECTION II. 1st; A book of one hundred (100) tickets, to cost five (5) cents each, to be placed on sale in the Village of South Mount Vernon, in one or more places, so as to be obtained by all residents of the Village of South Mount Vernon, between the hours of seven (7) A. M. and eight (8) P. M., daily.

2d; Each of these tickets to be accepted when presented in book form, and not otherwise, by the Union Railway Company for one continuous ride on the cars of the Company, its successors or assigns, to and from One Hundred and Twenty-ninth (129) Street in New York City, to and from any point, by either the West Farms or Fordham Route, so called, in South Mount Vernon.

3d ; Each of these tickets to be accepted when presented in book form, and not otherwise, by the Union Railway Company, its successors or assigns, as a fare from any passenger who is a resident of the Village of South Mount Vernon, or a member of his or her immediate family, or a servant therein and any employees, on business of any employer or employers engaged in business in the Village of South Mount Vernon, and each of these tickets when presented in book form, and not otherwise, to be accepted from any of the persons before mentioned by the Union Railway Company, its successors or assigns, in payment of fare as an equivalent of and in lieu of five (5) cents each on any line of Railway owned, operated or leased by the Union Railway Company, its successors or assigns.

4th ; The Union Railway Company, its successors or assigns, to make any reasonable rules in the sale of tickets to protect their interests, but no rules to be made requiring affidavits from purchasers.

SECOND—RATES OF FARES.

1st ; For any passenger going to or from any point on the line or lines of said Railway, line or lines operated by said Company, its successors or assigns, in the Village of South Mount Vernon, and to or from any point on the line of said Railway, or line or lines operated by said Company, its successors or assigns, to or from any point north of One Hundred and Twenty-ninth (129) Street, New York City, and not tendering a ticket, the fare shall be ten (10) cents.

2d ; For any passenger going to or from any point on the line of said railway, line or lines operated by said Company, its successors or assigns, in the Village of South Mount Vernon, to or from the boundary line between Westchester and West Farms and not tendering a ticket, the fare shall be five (5) cents.

3d ; For any passenger going to or from any point on

the line of said Railway, or line or lines operated by said Company, its successors or assigns, in the Village of South Mount Vernon, to or from any point on the line of said Railway, or line or lines operated by said Railway Company, its successors or assigns, in the cities of Mount Vernon and Yonkers and the towns of Eastchester, Pelham and New Rochelle, or any city, town or village north of said Village of South Mount Vernon, the fare shall be the same as is now or may hereafter be charged from any point on the line of said Railway, or line or lines operated by said Company, its successors or assigns, in the city of Mount Vernon to any point on the line of said Railway, or line or lines operated by said Company, its successors or assigns, in said cities or towns or villages.

§ 3. Said company, in accordance with the law, shall use a low and flat rail, affording the least obstacle to the crossing of vehicles, and to be approved by the Board of Trustees before being laid.

§ 4. The said UNION RAILWAY COMPANY shall run a car daily over its entire route in said village of South Mount Vernon, in each direction at least every half hour from 5:30 A. M. to 12:30 A. M., and at least hourly after said company's line shall be operated on Webster avenue and Olin avenue to its intersection with the White Plains Road in Williamsbridge, thereafter till five-thirty (5:30) A. M.

§ 5. The said street railway shall be constructed and in operation with cars running over its whole length of route in South Mount Vernon by June 1st, 1894, unless the company is delayed by legal proceedings, the time during which they are delayed by such proceedings to be added to the period otherwise ending on June 1st, 1894, the motive power to be electricity.

§ 6. If the said village is brought into litigation by reason of the granting of this franchise before the operation of the road, the said company will pay the reason-

able fees of such counsel as the local authorities of said village may select.

§ 7. Whenever after five years from the date of granting this franchise, the entire gross receipts of said company shall, during any period of six months, exceed an average of \$1700 per day, then, and in that event, the company shall thereafter annually, on the 1st day of December, pay into the treasury of said village a sum equalling in the aggregate that proportion of one per cent. of its gross earnings as the length of its road in said village shall bear to the entire length of its road owned or operated by it in Westchester County; and an additional annual payment of the same proportion of one per cent. of such gross earnings shall be made by said company in like manner for each multiple of \$1700 per day for such average gross earnings. The gross receipts of all the lines of road owned by said company in Westchester County, whether operated by said company or lessees thereof, or of any portion thereof, shall be deemed gross earnings of said company within the meaning of this paragraph; and the said company shall furnish a written statement at the end of each year, supported by affidavits, showing its receipts, and the proper village officers shall have free access to such books of said company as are necessary to verify said statements.

§ 8. The said company shall, before the operation of its road in South Mount Vernon, put up and maintain guard wires to trolley wires, if used, or other guard system for the prevention of accidents, also the latest devices for protection from accident from wheels of cars.

§ 9. All poles shall be dressed and painted and maintained in a manner satisfactory to the Board of Trustees of said village.

§ 10. The construction of said railway shall be completed and the said road in operation on or before the

1st day of June, 1894, in default of which this consent hereby granted for the construction and operation of said railway shall be null and void.

§ 11. All main tracks shall be laid in the centre of the road, and both the UNION RAILWAY COMPANY and the MOUNT VERNON AND EASTCHESTER RAILWAY COMPANY shall operate their railway over the same tracks, it being the intent and meaning of this condition that the tracks laid on the White Plains Road from the northerly boundary line of this village to 19th avenue, and along 19th and 20th avenues from the White Plains Road or 3rd street to the Bronx River, and on First street from 19th to 20th avenues, shall be used jointly by both companies.

§ 12. All cars, rails and electrical apparatus to be of the most approved and modern construction and to be kept at all times in first-class order and repair by the said company.

§ 13. If at any time hereafter it shall be determined by any Court or tribunal of competent jurisdiction that any of the terms and conditions herein contained were beyond the power of the local authorities of said village to exact or the company to comply with, such determination shall not invalidate or make null and void this consent, but the same is to be binding and operative upon said village and said company as though such particular terms and conditions so determined upon had not been contained in this consent.

§ 14. This franchise is granted upon the further express condition that the provision of Chapter 565 of the Laws of 1890 and the amendments thereto (notwithstanding the provision of Chapter 340 of the Laws of 1892) shall be complied with.

§ 15. This franchise or consent to become binding upon the village of South Mount Vernon in case the company shall by April 16th, 1894, file with the Village Clerk its written acceptance of the terms, obligations and conditions thereof.

CHAPTER 598 OF LAWS OF 1894.

AN ACT to amend chapter three hundred and sixty-one of the laws of eighteen hundred and sixty-three, entitled "An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania as subsequently amended."

Became a law May 9, 1894, with the approval of the Governor. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The title of chapter three hundred and sixty-one of the laws of eighteen hundred and sixty-three, entitled "An act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania, as subsequently amended," is hereby amended to read as follows : "An act to authorize the construction of a railway and tracks in the towns of West Farms, Morrisania, Westchester, East Chester and Mount Vernon."

§ 2. Any and all proceedings heretofore taken in substantial compliance with the provisions of chapter three hundred and sixty-one of the laws of eighteen hundred and sixty-three, as now amended, are hereby approved, ratified and confirmed.

§ 3. This Act shall take effect immediately.

CONSENT OF DEPARTMENT OF PUBLIC PARKS TO CON-
STRUCTION OF ROAD UPON BROADWAY.CITY OF NEW YORK,
DEPARTMENT OF PUBLIC PARKS,
49 and 51 Chambers St.

MARCH 30th, 1894.

COMMISSIONERS' OFFICE.
THE UNION RAILWAY Co.,
2389 Third Avenue :

Gentlemen.—I have the honor to inform you of the adoption of the following preamble and resolution at a meeting of the Board of Parks held this day :

“ WHEREAS, The consent of the Common Council of the City of New York as the local authorities thereof, has been given the Union Railway Company for the construction of a railroad through Broadway in the 24th Ward of the City of New York.

Resolved, That the consent of the Commissioners of Public Parks is hereby given to the Union Railway Company of the City of New York to construct, maintain and operate an extension or branch of its railroad through, along and upon the surface of Broadway from the southerly end of Van Cortlandt Park northerly to the city line, together with the necessary switches, connections, turnouts, turntables and stands for the convenient operation of said railroad, and that said railroad may be operated by animal or horse power or by cable, electricity or any motive power other than locomotive steam power.”

Respectfully,

CHARLES D. F. BURNS,
Secretary, D. P. P.

RESOLUTION OF COMMON COUNCIL OF THE CITY OF NEW
YORK RELATIVE TO TIME OF COMPLETION OF ROAD.

“ *Resolved*, That the Union Railway Company of New York City be required to file with the comptroller within thirty days from the date hereof its bond in the penal sum of fifty thousand dollars, with good and sufficient sureties, approved by the comptroller, that it will within two years from the date hereof (legal and official delays excepted) complete the construction and commence the operation of its railroad in pursuance of the consents of the common council heretofore given in 1892, upon the streets, avenues and highways specified in such consents, and that in case of failure of such company to so file such bond or to so complete and operate its railroad within such time that the corporation counsel be directed to commence an action or to take such other proceeding as may be deemed proper and necessary to enforce the collection of such bond and to procure the forfeiture of the right of such company to construct, maintain and operate its railroad upon all such streets, avenues and highways, or portions thereof, upon which such company shall have so failed to construct or operate its railroad.”

Adopted by the Board of Aldermen on the 7th day of January 1896. Approved by the Mayor on the 28th day of January 1896.

LEASE TO METROPOLITAN STREET RAILWAY COMPANY,
135TH STREET LINE.

THIS AGREEMENT, made this 21st day of June, one thousand eight hundred and ninety-seven, between THE UNION RAILWAY COMPANY OF NEW YORK CITY (hereinafter called the lessor), party of the first part, and METROPOLITAN STREET RAILWAY COMPANY (hereinafter called the lessee), party of the second party, WITNESSETH :

WHEREAS, the parties hereto are street surface railroad companies organized and existing under the laws of the State of New York ; and

WHEREAS, the lessor owns and operates street surface railroads and railroad routes in the city of New York (among other streets and avenues) upon One Hundred and Thirty-fifth street, between the easterly line of Madison avenue and the westerly line of Eighth avenue ; and

WHEREAS, the lessee desires to use the railway tracks upon the said last-mentioned line on One Hundred and Thirty-fifth street, under the conditions hereinafter provided :

Now, therefore, in consideration of the premises, and of the sum of one dollar, and of other valuable considerations, it is hereby agreed by and between the parties hereto as follows :

First.—The lessor does hereby (subject to the reservations hereinafter stated) grant, lease and demise unto the lessee, its successors and assigns, all the railroads of the lessor now or hereafter during the pendency of this lease to be constructed upon said One Hundred and Thirty-fifth street, between the easterly line of Madison avenue and the westerly line of Eighth avenue, in the city of New York, together with all the franchises, rights, powers and privileges of the lessor to maintain, construct and operate a railroad upon said One Hundred and Thirty-fifth street, between said easterly line of Madison avenue and said westerly line of Eighth avenue ; also all the benefits and rights arising from all or any consents, contracts, leases or agreements which the lessor now has or may hereafter be entitled to in respect of the construction, maintenance and operation of a railroad on said One Hundred and Thirty-fifth street, between said easterly line of Madison avenue and said

westerly line of Eighth avenue as aforesaid. This lease includes not only the existing railroad of the lessor on One Hundred and Thirty-fifth street, between Madison and Eighth avenues, but all subsequent renewals thereof and additions thereto, and all sidings, turnouts, connections, extensions and branches of the existing railroad or railroads on One Hundred and Thirty-fifth street, between Madison and Eighth avenues, now or which may hereafter be constructed and all rights and franchises now or hereafter to be acquired by the lessor to make sidings, turnouts, connections, extensions and branches on One Hundred and Thirty-fifth street, between Madison and Eighth avenues, together with all extensions of the franchise now or hereafter obtained of the lessor to construct, maintain and operate a railroad on One Hundred and Thirty-fifth street, between Madison and Eighth avenues.

To have and to hold the same and each and every part thereof (subject to the reservations hereinafter stated), unto the lessee, its successors and assigns, for the unexpired term of the charter of the lessor and any extensions of said charter, so far as the same are co-extensive or co-enduring with the charter, and for the term of those rights which are not co-extensive or co-enduring with the charter, as the same may have been acquired by the lessor, to be used, maintained and operated by the lessee in accordance with the requirements of the charter, and subject to the conditions of the grants to the lessor.

Reserving, however, to the lessor, its successors and assigns, an equal undivided one-half interest in and to the property hereby leased and demised, so that during the pendency of this lease the lessor shall have full and free right to use and occupy the leased railroads on One Hundred and Thirty-fifth street, between the westerly line of Madison avenue and the easterly line of Eighth avenue in common with the lessee, its successors and assigns, and to operate cars thereon by the overhead electrical trolley mode of traction, or by any

substituted motive power which the lessor may be hereafter authorized to use.

Second.—The lessee agrees to pay to the lessor, its successors and assigns, the annual rental of one hundred dollars per year, which said rental shall be payable in advance, annually, at the office of the lessor, the first payment to be made upon the first day of the month succeeding the date when said Metropolitan Street Railway Company shall have begun the operation of its cars upon said One Hundred and Thirty-fifth street, between the points designated in this agreement.

Third.—The lessor, for itself, its successors and assigns, further grants unto the lessee and its assigns, and covenants that the lessee, its successors and assigns, shall during the pendency of this lease have the right to operate the leased railroads by the underground electrical trolley mode of traction (provided it shall have duly acquired such right), or by any other motive power which the lessee, its successors or assigns, may hereafter be authorized to use; and that the lessee may at any time, and from time to time during the pendency of this lease, remove the existing tracks and reconstruct the demised railroad, and build and construct such pipes, conduits, ducts and other structures beneath the surface of the ground as in the lessee's judgment may be required for the operation as well of the other railroads of the lessee as of the railroads hereby leased by the underground electrical trolley mode of traction, or by any other motive power which the lessee may hereafter be authorized to use.

Fourth.—The lessee, for itself, its successors and assigns, covenants with the lessor, its successors and assigns, that in any work authorized by the provisions of the last preceding article hereof, or in reconstructing the demised railroads, and building conduits and other

sub-structures, it will manage the work so as to inconvenience the lessor as little as possible, and so as not to interfere with the proper running of the lessor's cars, and especially so as to leave one track free at all times for the passage of the lessor's cars, and that it will put in and construct such temporary switches, turnouts and connections as may be necessary and proper to enable the lessor's cars to pass from one track to the other during the work, and that the expense of all work required for such switches, turnouts and connections shall be borne by the lessee solely, and that in such work of reconstruction there shall be at no time more than 1,000 lineal feet of street surface opened or track disturbed.

And the lessee further covenants with the lessor that if, in the construction or operation of the proposed underground electric system, or any other system which may be adopted by the lessee, any interference or obstruction whatsoever shall be occasioned in or to or in respect to the operation of the lessor's overhead system or other system which may be adopted by the lessor, all changes or modifications of the lessor's system and construction shall be made which may be necessary in order to remove such obstruction, or to enable the lessor to operate its cars free from such interference, and the expense of such changes or modifications shall be borne by the lessee solely. The lessee further covenants with the lessor that if by reason of any act or acts of said lessor, any rebonding or renewal or change of the electrical connection of the lessor's rails shall become necessary, the expense thereof shall be borne by said lessee.

Fifth.—It is mutually understood and agreed that during the pendency of this lease the expense of maintaining the lessor's poles and overhead trolley wires and appliances shall be borne by the lessor solely; that the expense of maintaining the slot rails, conduit and other sub-structures appurtenant to the lessee's underground trolley apparatus shall be borne by the lessee solely;

that the expense of reconstructing the existing railroad and of building conduits and other necessary sub-structures shall be borne by the lessee solely, and that the expense of maintaining the railroad and pavement and the performance of all duties imposed by public authority upon the lessor or the lessee with reference to the surface of the street shall be borne in equal parts by the parties hereto.

Sixth.—It is further mutually understood and agreed that the parties hereto shall operate their respective cars upon said tracks with the least inconvenience possible to each other.

IN WITNESS WHEREOF, the parties hereto have caused this instrument in quadruplicate to be executed in their names and under their corporate seals, respectively, the day and year first above written.

THE UNION RAILWAY COMPANY OF NEW YORK CITY,

By EDWARD A. MAHER,

[Corporate seal.]

President.

Attest :

THOMAS W. OLCOTT,

Secretary.

METROPOLITAN STREET RAILWAY COMPANY.

By H. H. VREELAND,

[Corporate seal.]

President.

Attest :

CHARLES E. WARREN,

Secretary.

City and County of New York, ss.:

On this 23d day of June, A. D. 1897, before me personally came EDWARD A. MAHER, to me known, who,

being by me duly sworn, did depose and say that he resided in the city of New York, and State of New York; that he is the President of the Union Railway Company of New York City, one of the corporations described in and which executed the foregoing instrument; that he knew the seal of said corporation; that the seal affixed to said instrument was such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by the like order.

AMBROSE F. McCABE,
Notary Public,
City and County of New York.

[SEAL.]

City and County of New York, ss. :

On this 21st day of June, A. D. 1897, before me personally came HERBERT H. VREELAND, to me known, who, being by me duly sworn, did depose and say that he resided in the City and State of New York; that he is the President of the Metropolitan Street Railway Company, one of the corporations described in and which executed the foregoing instrument; that he knew the seal of said corporation; that the seal affixed to said instrument was such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by the like order.

AMBROSE F. McCABE,
Notary Public,
City and County of New York.

[SEAL.]

CERTIFICATE OF THE SECRETARY OF THE UNION RAIL-
WAY COMPANY OF NEW YORK CITY.

This lease or agreement having been entered into by the directors of the Union Railway Company of New

York City and the Metropolitan Street Railway Company under the corporate seal of each company, and a meeting of the stockholders of the Union Railway Company of New York City having been called for the purpose of taking the same into consideration, and due notice of the time and place of holding said meeting and the object thereof having been given by the Union Railway Company of New York City to the stockholders thereof, by written or printed notices addressed to each of the persons in whose names the capital stock of said company stood on the books thereof, at the address of such persons as stated on such books, or as known to the secretary of said company, and delivered or mailed to such persons, or the legal representatives of such persons respectively at least thirty days before the time of holding said meeting of such company, and also by a general notice published once a week for at least four weeks in the *Harlem Local Reporter*, that being a newspaper printed in the City and County of New York, where said company has its principal office or place of business, and such meeting having been had pursuant to such notice, on the 10th day of August, 1897, and at the said meeting of stockholders, this agreement or lease of the said directors having been submitted to the stockholders and considered, and a vote by ballot taken for the adoption or rejection of the same, each share of stock entitling the holder thereof to one vote.

Now, THEREFORE, this is to certify that two-thirds and more of all the votes of stockholders cast in person or by proxy at such meeting were for the adoption of this lease or agreement.

IN WITNESS WHEREOF I have hereunto affixed the corporate seal of said Union Railway Company of New York City, and subscribed my name as Secretary, the 10th day of August, 1897.

[CORPORATE SEAL.]

THOMAS W. OLCOTT,
Secretary.

CERTIFICATE OF THE SECRETARY OF METROPOLITAN
STREET RAILWAY COMPANY.

This lease or agreement having been entered into by the directors of the Union Railway Company of New York City and of the Metropolitan Street Railway Company, under the corporate seal of each company, and a meeting of the stockholders of the Metropolitan Street Railway Company having been called separately for the purpose of taking the same into consideration, and due notice of the time and place of holding said meeting and the object thereof having been given by the Metropolitan Street Railway Company to the stockholders thereof by written or printed notices addressed to each of the persons in whose names the capital stock of said company stood on the books thereof, at the address of such persons as stated on such books or as known to the secretary of said company, and delivered or mailed to such persons, or the legal representatives of such persons respectively, at least thirty days before the time of holding said meeting of such company, and also by a general notice published once a week for at least four weeks in the *Harlem Local Reporter*, that being a newspaper printed in the city and county of New York, where said company has its principal office or place of business, and such meeting having been had pursuant to such notice on the 10th day of August, 1897, and at the said meeting of stockholders this agreement or lease of the said directors having been submitted to the stockholders and considered, and a vote by ballot taken for the adoption or rejection of the same, each share of stock entitling the holder thereof to one vote.

Now, THEREFORE, this is to certify that two-thirds and more of all the votes of stockholders cast in person

or by proxy at such meeting were for the adoption of this lease or agreement.

IN WITNESS WHEREOF I have hereunto af-
fixed the corporate seal of said Metro-
politan Street Railway Company, and
subscribed my name as Secretary, the
tenth day of August, 1897.

[CORPORATE SEAL.]

CHARLES E. WARREN,
Secretary.

Endorsed—Union Railway Co. to Metropolitan Street
Railway Co.—Lease of 135th Street Route—State of
New York, Office of Secretary of State—Filed August
13, 1897—Andrew Davidson, Deputy Secretary of State.

STATE OF NEW YORK, { ss. :
Office of the Secretary of State,

I have compared the preceding with the lease between
the Union Railway Company of New York City and
Metropolitan Street Railway Company, filed in this
office the 13th day of August, 1897, and I do hereby
certify the same to be a correct transcript therefrom
and of the whole thereof.

WITNESS my hand and seal of office of the
Secretary of State, at the City of Albany,
this 25th day of August, one thousand
eight hundred and ninety-seven.

[SEAL.]

JNO. PALMER,
Secretary of State.

ORDER EXTENDING TIME TO COMPLETE CONSTRUCTION.

At a Special Term of the Supreme Court of
the State of New York, held at the Court
House in the City of New York, on the
27th day of January, 1898.

Present—Hon. CHAS. H. TRUAX, Justice.

In the Matter

of

The Application of the UNION
RAILWAY COMPANY OF NEW
YORK CITY for an extension of
time within which to complete
the Construction of its Railway.

Upon reading and filing the annexed petition of the Union Railway Company of New York City, verified the 24th day of January, 1898, setting forth the grounds of its application for an extension of time within which to complete the construction of its railroad and to perform any and all other acts required of it by the railroad law, or the resolution of the Common Council of the City of New York adopted January 28, 1896 ;

Now, on motion of SHEEHAN & COLLIN, of Counsel for the said petitioner, it is hereby

ORDERED, that the time within which the petitioner, the Union Railway Company of New York City, is to complete the construction of its railroad in said petition described, and to perform any and all acts required of it by the railroad law or by the said resolution of the said Common Council of the City of New York, be and

the same hereby is extended for the term of one year from and after the final determination of the legal proceedings in said petition mentioned.

Ent.,
C. H. T.

S U P R E M E C O U R T ,

N E W Y O R K C O U N T Y .

In the Matter

of

The Application of the UNION
RAILWAY COMPANY OF NEW
YORK CITY for an extension of
time within which to complete
the construction of its railway.

The Petition of the Union Railway Company of New York City respectfully shows as follows :

First.—The petitioner is a railroad corporation organized under Chapter 340 of the Laws of 1892, being “ An Act to amend Chapter 361 of the Laws of 1863, entitled ‘ An Act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania,’ and all acts amendatory thereof.”

Second.—That on or about July 5th, 1892, petitioner applied to the Common Council of the City of New York praying the consent of the said Common Council to the construction, maintenance, operation and use by petitioner of a railroad along the streets, avenues and highways, mentioned and described in “ Exhibit A,”

hereto attached and made a part hereof. That said Common Council duly considered said application and on August 23d, 1892, duly adopted an ordinance or resolution granting to the said petitioner the consent of the said Common Council of the City of New York to the extension, construction, maintenance and operation of its railroad, or branches or extensions thereof, upon and along the surface of the said streets, avenues and highways, mentioned and described in said "Exhibit A," and that the said resolution was duly approved by the Mayor of said city on August 26th, 1892.

Third.—That on or about December 5th, 1892, petitioner applied to the Common Council of the City of New York praying the consent of the said Common Council to the construction, maintenance, operation and use by petitioner of a railroad along the streets, avenues and highways, mentioned and described together with the original routes in "Exhibit B," hereto attached and made a part hereof. That said Common Council duly considered said application and on December 27th, 1892, duly adopted an ordinance or resolution granting to the said petitioner the consent of the said Common Council of the City of New York to the extension, construction, maintenance and operation of its railroad, or branches or extensions thereof, upon and along the surface of the said streets, avenues and highways, mentioned and described in said Exhibit "B," and that the said resolution was duly approved by the Mayor of said City on December 28th, 1892.

Fourth.—That on the 7th day of January, 1896, the Common Council of the City of New York adopted a resolution of which the following is a correct copy :

"*Resolved*, That the Union Railway Company of New York City be required to file with the comptroller within thirty days from the date hereof its bond in the penal sum of fifty thousand dollars, with good and sufficient sureties, approved by the comptroller, that it

will within two years from the date hereof (legal and official delays excepted) complete the construction and commence the operation of its railroad in pursuance of the consents of the common council heretofore given in 1892, upon the streets, avenues and highways specified in such consents, and that in case of failure of such company to so file such bond or to so complete and operate its railroad within such time that the corporation counsel be directed to commence an action or to take such other proceeding as may be deemed proper and necessary to enforce the collection of such bond and to procure the forfeiture of the right of such company to construct, maintain and operate its railroad upon all such streets, avenues and highways, or portions thereof, upon which such company shall have so failed to construct or operate its railroad."

Which said resolution became of force and effect by the approval of the Mayor of said City on the 28th day of January, 1896. That in pursuance of said resolution the said Union Railway Company of New York City filed with the comptroller of said city its bond in the penal sum of fifty thousand dollars on the day of February, 1896.

Fifth.—That your petitioner has constructed its line of railroad along the streets, avenues and highways specified in said acts and resolutions of the Common Council aforesaid, except as mentioned and described in "Exhibit C," hereto attached and made a part hereof. That many of the streets, avenues and highways specified in the said acts and resolutions have not been in fit condition to construct railroad tracks thereon, and that many of said streets, avenues and highways have never been regulated or graded. That your petitioner in the year 1897 applied to the Commissioner of Street Improvements in the twenty-third and twenty-fourth wards of said city for permits to open up certain of the said streets, avenues and highways for the purpose of constructing its railroad thereon, and that the said Louis F. Haffen orally denied such requests and

also replied thereto in a communication dated December 28th, 1897, hereto annexed and marked "Exhibit D," and made a part hereof.

Sixth.—That prior to the time fixed by law your petitioner began the construction of its said railroad for which consent was given by the said Common Council as aforesaid, and has expended several hundreds of thousands of dollars thereon. That your petitioner has been unable to complete the construction of its said railroad along and upon the said streets, avenues and highways mentioned in said resolutions of the Common Council for the reasons :

(a.) That the local authorities of the City of New York having charge of such streets, avenues and highways have refused to issue permits to allow your petitioner to open up the said streets, avenues and highways for the purpose of constructing its said railroad thereon.

(b.) That several of said streets, avenues and highways have not been properly regulated or graded so as to permit of the construction and operation of said railroad thereon.

(c.) That your petitioner has been prevented by legal proceedings from completing the construction of its railroad upon the said streets, avenues and highways mentioned and described in said "Exhibit C," and that because of such legal proceedings has been unable to obtain or borrow the necessary funds for such construction and operation.

That on April 30th, 1894, an action was brought in the Supreme Court of the State of New York by James Rogers against your petitioner, praying that an injunction be granted restraining the construction by your petitioner of a railroad on 135th street between Madison avenue and Eighth avenue, and that the gravaman of said complaint was that the said resolutions of the Com-

mon Council, passed, respectively, August 23rd, 1892, and December 27th, 1892, were illegal, null and void, and that your petitioner obtained no right thereunder to construct, operate and maintain its said railroad, and that said Chapter 340 of the Laws of 1892 was unconstitutional and void. That said case is now at issue and is on the trial calendar of this Court.

That on June 30th, 1896, one Mary O'Brien instituted suit against your petitioner to prevent the construction of said railroad on Jerome Avenue, and that on or about July 14th, 1896, the motion for an injunction to restrain the building of said railroad was argued before Mr. Justice Stover, and on October 24th, 1896, an opinion was rendered denying said motion. That the gravamen of said action was that the said act, Chapter 340 of the Laws of 1892, was unconstitutional, null and void, and that the said consents of the Common Council were illegal official acts and conferred upon the petitioner no right or authority to construct, maintain or operate its said railroad on the streets, avenues and highways mentioned therein.

That on or about March 24th, 1897, the Corporation Counsel of the City of New York, on behalf of the Mayor, Aldermen and Commonalty of the City of New York, made a motion to be allowed to intervene as a party defendant in said action, which said motion was argued on March 26th and was denied on June 23rd, 1897. That Notice of appeal to the Appellate Division from the order entered therein was served by such Corporation Counsel on or about June 30th, 1897, and on September 14th, 1897, an order was entered staying the trial of said case until the appeal by the said Mayor, Aldermen and Commonalty of the City of New York was heard and determined by the Appellate Division.

That on July 14th, 1897, an action was begun in the Supreme Court of the State of New York by Ferdinand Böhmer, Jr., against Louis F. Haffen, Commissioner of Street Improvements in the Twenty-Third

and Twenty-Fourth Wards of the City of New York, the Mayor, Aldermen and Commonalty of the City of New York, and the Union Railway Company of New York City. That an injunction was prayed for therein and a motion therefor argued on July 22d, 1897, before Mr. Justice Leslie W. Russell. Said motion was thereafter denied and the said action came on for trial before Mr. Justice Truax on November 22d, 1897. That said trial occupied two days and that briefs of counsel were submitted on January 7th, 1898. That said case has not yet been decided. That the complaint in said case was based on substantially the same grounds as are specified in the said O'Brien case, and, among other things, alleges that the said resolutions of the Common Council granted in the year 1892 to your petitioner are and were illegal official acts upon the part of the said Mayor, Aldermen and Commonalty of the City of New York, its officers and agents, and that the said defendant, Haffen, had no authority of law to grant permits for the opening of streets in connection with the construction of said railroad by virtue of said resolutions and that your petitioner has not obtained by virtue thereof any legal right to construct or operate any portion of its railroad along the streets, avenues and highways above specified.

That an action based upon substantially the same grounds as stated in the Böhmer suit was begun by William Whitehead against the defendant on or about July 13th, 1897, and that the answer of the defendant thereto was served August 23d 1897. That said action is still pending and is on the calendar of this Court for trial.

That by reason of the said actions and the allegations of said complaint and the publication in the daily newspapers in the City of New York of such proceeding the credit of your petitioner has been seriously impaired and it has been impossible by reason thereof to raise the necessary funds to complete the construction of said railroad within the time provided by law.

Your petitioner, therefore, alleges that by reason of the aforesaid legal proceedings and acts it has been prevented from completing the construction of its said railroad on the streets, avenues and highways mentioned in said "Exhibit C," and your petitioner, therefore, asks that an order may be made and entered herein by this Court extending the time within which this Company may complete the construction of its said railroad and perform any other act required by the railroad law for the period of one year after the final determination of the legal proceedings mentioned herein.

Dated, New York, January 24th, 1898.

UNION RAILWAY COMPANY OF NEW YORK CITY.

By

EDWARD A. MAHER,
President.

STATE OF NEW YORK, }
City and County of New York, { ss.:

EDWARD A. MAHER, being duly sworn, deposes and says: That he is the President of the Union Railway Company of New York City, the petitioner above-named. That he has read the foregoing petition and knows the contents thereof, and that the same is true of his own knowledge except as to the matters therein stated to be alleged on information and belief and as to those matters he believes it to be true.

EDWARD A. MAHER.

Sworn to before me this }
24th day of January, 1898. {

ED. J. MCGOLDRICK,
Notary Public No. 17,
[SEAL.] New York County.

Exhibit A.

Beginning at the McComb's Dam Bridge on Jerome avenue, and extending through and along said avenue to the city line.

Beginning on Morris avenue at its intersection with Third avenue extending north through and along said Morris avenue to Fordham Landing (or High Bridge) road.

Beginning at the Harlem river on Willis avenue and extending north through and along said Willis avenue to its intersection with Melrose avenue ; thence through and along said Melrose avenue to its intersection with Webster avenue ; thence through and along said Webster avenue to its intersection with the Bronx River Road ; thence through and along said road to the City Line.

Beginning at the City Line at the Bronx river on Tremont avenue and extending west through and along said Tremont avenue to its intersection with Webster avenue and Burnside avenue ; thence through and along said Burnside avenue to its intersection with Sedgwick avenue and Cedar avenue : thence through and along Cedar avenue to its intersection with Riverview Terrace ; thence southerly through and along said Riverview Terrace to its intersection with Sedgwick avenue, also west through and along Beck street from its intersection with the Riverview Terrace to the tracks of the New York and Northern Railroad Company.

Beginning at the intersection of Olin avenue with Webster avenue and extending east through and along said Olin avenue to the city line.

Beginning at Washington Bridge, on Boscobel avenue, and extending east through and along said avenue to its intersection with Jerome avenue.

Beginning at the terminus of the tracks of the Harlem Bridge, Morrisania and Fordham Railway Company at Fordham, extending west over and across the

bridge of the New York and Harlem Railroad to Kingsbridge road ; thence through and along said road to its intersection with High Bridge Road ; thence through and along said High Bridge Road to its intersection with Sedgwick avenue ; thence northerly along said avenue to its intersection with Bailey avenue ; thence along Bailey avenue to its intersection with Broadway at Kingsbridge.

Beginning on Sedgwick avenue at its intersection with Jerome avenue and extending in a northerly direction through and along said avenue to the City Line. Together with the necessary connections, switches, turn-outs, turntables and suitable stands for the convenient working of the said road, its extensions and branches.

Exhibit B.

Commencing at or near One Hundred and Thirtieth street on Third avenue, along said avenue to and across the Harlem Bridge ;

Commencing at or near the termination of the Harlem or Cole's Bridge on the Westchester side on the Boston road, and running along said road to a point where the said road intersects with Fordham avenue ; and thence along said Fordham avenue, with necessary turn-outs to the Kingsbridge road ; thence along the same to the Harlem Railroad at or near its depot at Fordham ;

Along One Hundred and Thirty-eighth street in the Town of Morrisania to Port Morris, and along William street, Grove street, Butternut street, Cedar street and River avenue, in said Town of Morrisania, and across Cromwell's creek to the Village of Highbridgeville ;

And along the Boston Post Road to the Village of West Farms and the Village of Westchester in the Town of Westchester, through Lincoln avenue and One Hundred and Thirty-third street, or through both of said streets and avenues in the Town of Morrisania ;

Along Westchester avenue or Southern Westchester

turnpike from its junction with Third avenue or Boston Road in the Town of Morrisania, through the Towns of West Farms and Westchester to Westchester Village, and through and along Morris street and Locust avenue in the Town of West Farms from the Harlem Railroad to West Farms Village ;

Through and along St. Ann's avenue to its southern terminus, and through and along Van Stoll street, otherwise known as One Hundred and Thirty-eighth street, from Third avenue to the Harlem river, and also through and along College avenue from Kingsbridge road to its intersection with the road known as Fordham and Pelham avenue, and through and along the last-named avenue to Pelham Bridge in the Town of Westchester, and also from the present terminus of the tracks of said corporation, at or near Locust avenue in the late Town of West Farms, through and along the main road leading in an easterly direction to the point where the said main road intersects with the Westchester turnpike in the said Town of Westchester ;

From its tracks on Third avenue, through and along Morris avenue, with double tracks, to East Railroad avenue ; thence northerly through, upon and along East Railroad avenue, with double tracks, to East One Hundred and Fifty-fifth street ; thence westerly through, upon and along East One Hundred and Fifty-sixth street, and across the tracks of the New York and Harlem Railroad Company, with double tracks, to West Railroad avenue ; thence northerly through, upon and along Morris avenue, with double tracks, to East One Hundred and Sixty-first street ;

Commencing at East One Hundred and Forty ninth street and Morris avenue, running thence easterly, with single tracks, to Cortlandt avenue ; thence running northerly through, upon and along Cortlandt avenue, with double tracks, to East One Hundred and Sixty-first street ;

Also, from the tracks on Morris avenue and East One Hundred and Forty-eighth street, running thence

easterly through, upon and along East One hundred and Forty-eighth street, with single tracks, to Courtland avenue: thence through, upon and along Courtland avenue, with double tracks, to connect with the tracks at East One hundred and Forty-ninth street; thence southerly upon and along Courtland avenue, with double tracks, to the intersection of Courtland avenue and North Third avenue;

Also, beginning at North Third avenue at or near East One hundred and Thirty-eighth street, running thence westerly through, upon and along East One hundred and Thirty-eighth street, with double tracks, to Mott avenue; thence northerly through, upon and along Mott avenue, with double tracks, to East One hundred and Sixty-fifth street; thence easterly through, upon and along East One hundred and Sixty-fifth street, with double tracks, to the entrance of Fleetwood Park;

Also, beginning at the intersection of Mott avenue with East One hundred and Sixty-first street; thence running easterly through, upon and along East One hundred and Sixty-first street, with double tracks, to the intersection of said street with North Third avenue, and to the tracks of the Harlem Bridge, Morrisania and Fordham Railway Company;

• Through and along East Railroad avenue, with double tracks, to East One hundred and Fifty-eighth street; thence westerly through, upon and along East One hundred and Fifty-eighth street and across the tracks of The New York and Harlem Railroad Company and West Railroad avenue, with double tracks, to Morris avenue;

Through and along Morris avenue to its junction with One hundred and Sixty-fifth street;

Beginning at the McComb's Dam Bridge on Jerome avenue and extending through and along said avenue to the city line;

Beginning on Morris avenue at its intersection with Third avenue and extending north through and along

said Morris avenue to Fordham Landing (or High Bridge Road ;

Beginning at the Harlem river on Willis avenue and extending north through and along said Willis avenue to its intersection with Melrose avenue ; thence through and along said Melrose avenue to its intersection with Webster avenue ; thence through and along said Webster avenue to its intersection with the Bronx River road ; thence through and along said road to the city line ;

Beginning at the city line at the Bronx river on Tremont avenue and extending west through and along said Tremont avenue to its intersection with Webster avenue and Burnside avenue ; thence through and along said Burnside avenue to its intersection with Sedgwick avenue and Cedar avenue ; thence through and along Cedar avenue to its intersection with Riverview Terrace ; thence southerly through and along said Riverview Terrace to its intersection with Sedgwick avenue ; also west through and along Dock street from its intersection with Riverview Terrace to the tracks of the New York and Northern Railroad Company.

Beginning at the intersection of Olin avenue with Webster avenue and extending east through and along said Olin avenue to the city line ;

Beginning at Washington Bridge on Boscobel avenue and extending east through and along said avenue to its intersection with Jerome avenue ;

Beginning at the terminus of the tracks of the Harlem Bridge, Morrisania and Fordham Railway Company at Fordham, extending west over and across the bridge of the New York and Harlem Railroad to Kingsbridge road ; thence through and along said road to its intersection with High Bridge road ; thence through and along said High Bridge road to its intersection with Sedgwick avenue ; thence northerly along said avenue to its intersection with Bailey avenue ; thence along Bailey avenue to its intersection with Broadway at Kingsbridge ;

Beginning on Sedgwick avenue at its intersection with Jerome avenue, and extending in a northerly direction through and along said avenue to the city line.

Together with the necessary connections, switches, turnouts, turn tables and suitable stands for the convenient working of the said roads, their extensions and branches.

NEW ROUTE.

Through and along Exterior avenue, as the same now is or may hereafter be laid out, from its junction with Third avenue to its junction at Eighth avenue ;

From the southern terminus of the Madison avenue bridge, through and along Madison avenue, to One Hundred and Thirtieth street ;

Through and along One Hundred and Thirty-fifth street in an easterly direction, from its junction with Madison avenue to Eighth avenue ;

Also along the bridge across the Harlem River, from Third avenue to Second avenue, and along second avenue to One Hundred and Twenty-fifth street ;

Through and along One Hundred and Twenty-fifth street in a westerly direction to Fourth avenue ;

Through and along Fourth avenue, from One Hundred and Twenty-fifth street, to One Hundred and Thirtieth street ;

Also through and along One Hundred and Thirtieth street from Fourth avenue to Madison avenue ;

From the easterly terminal of what is now known as Washington Bridge, through and along Boscobel avenue to Jerome avenue ;

Through and along Broadway in a northerly direction, from its intersection with Kingsbridge road, to the northerly city line.

Exhibit C.

FIRST CONSENT.

JEROME AVENUE LINE.

Built from McComb's Dam Bridge to Woodlawn Gate. Not built from Woodlawn Gate to the City Line for the reason that the street from Woodlawn Gate to the City Line has not been regulated or graded. It would be practically impossible to build and operate a line on that street under the present conditions.

MORRIS AVENUE LINE.

Not built. This street as a whole has not been graded.

WILLIS AVENUE LINE.

This line is built along Willis and Melrose Avenues to the intersection of 161st Street. The Webster Avenue portion of it has not been built because of the necessity of connecting Webster Avenue with Melrose Avenue, which is about to be done by building a viaduct across the cut of the railroad tracks of the New York and Harlem Railroad Company, and until that viaduct is built it is impossible to make that connection.

TREMONT AVENUE LINE.

This line is built from the Bronx River on Tremont Avenue, extending westerly through and along said Tremont Avenue to its intersection with Webster and Burnside Avenues, and along said Burnside Avenue to its intersection with Jerome Avenue. The portion of the line west of Jerome Avenue has not been completed because of the fact that an aqueduct running along that portion of Burnside Avenue between Jerome and Sedgwick Avenues is in course of reconstruction so as to open the street through said aqueduct, and it is impossible to complete that line until the said aqueduct work is finished.

OLIN AVENUE LINE.

Not built because this Avenue is a short street running easterly from Webster Avenue to the old City Line, and no connection could be until the objections on Webster Avenue, mentioned hereto, have been overcome.

BOSCOBEL AVENUE LINE.

Not built. It is now being regulated and graded and will not be in a condition for laying tracks thereon until that work is completed.

HIGH BRIDGE ROAD.

This road is now only about thirty feet wide and is to be widened to make a street eighty feet in width. It is practically impossible to operate a road upon said street under existing conditions.

SEDGWICK AVENUE LINE.

This line is built from the intersection of Jerome Avenue and Sedgwick Avenue along Sedgwick Avenue to High Bridge; and also from the intersection of Broadway and Riverdale Avenue along said Broadway to the City Line.

This line from High Bridge to the intersection of Riverdale Avenue and Bailey Avenue has not been built.

SECOND CONSENT.

Exterior Avenue Line.

Not built, the street not being regulated or graded.

Madison Avenue Line.

Built from the southern terminus of Madison Avenue bridge to 135th Street.

Not built from 135th Street to 130th Street.

Line from 3rd Avenue to 2nd Avenue and along 2nd Avenue to 135th Street. Not built.

Line along 125th Street in a westerly direction to 4th Avenue. Not built.

Line along 4th Avenue from 125th Street to 130th Street. Not built.

Line from 130th Street from 4th Avenue to Madison Avenue. Not built.

BOSCOBEL AVENUE LINE.

Not built. It is now being regulated and graded and will not be in a condition for laying tracks thereon until that work is completed.

ORIGINAL ROUTE.

Along Westchester avenue or Southern Westchester Turnpike from the Southern Boulevard through the towns of West Farms and Westchester to Westchester Village.

Through and along St. Ann's avenue to its southern terminus.

Through and along College avenue from Kingsbridge road to its intersection with the road known as Fordham and Pelham avenue, and through and along the last named avenue to Pelham Bridge in the town of Westchester.

From its tracks on Third avenue through and along Morris avenue to East Railroad avenue, thence northerly upon East Railroad avenue to East 155th Street, thence westerly upon East 156th street and across the tracks of the New York & Harlem Railroad Company to West Railroad avenue, thence northerly upon West Railroad avenue to Morris avenue, thence northerly upon Morris avenue to East 161st street.

Commencing at East 149th street and Morris avenue, running easterly to Cortlandt avenue, thence running northerly upon Cortlandt avenue to East 161st street.

From the tracks on Morris avenue to East 148th street, running easterly upon East 148th street to Cortlandt avenue; thence upon Cortlandt avenue to connect with the tracks at East 149th street; thence southerly upon Cortlandt avenue to the intersection of Cortlandt avenue and North Third avenue.

Beginning at the intersection of East 138th street and Mott avenue, running thence northerly upon Mott avenue to East 165th street; thence easterly upon East 165th street to the entrance of Fleetwood Park.

Upon East Railroad avenue to East 158th street; thence westerly upon East 158th street and across the tracks of the New York & Harlem Railroad Company and West Railroad avenue to Morris avenue to its junction with 165th street.

Exhibit D.

CITY OF NEW YORK,
COMMISSIONER OF STREET IMPROVEMENTS,
23rd and 24th Wards,
No. 2622 Third Ave., Cor. 141st Str.

Commissioner's Office.

Dec. 28th, 1897.

JOHN H. TIERNEY, Esq.,

No. 256 Broadway,
N. Y. City.

Dear Sir.—I have, as you say in your letter of the 21st instant, expressed to you verbally my attitude towards granting permits to the Union Railway Company for building their trolley lines on the routes you refer to. Briefly stated, my objections are as follows:

ROUTE No. 1. Beyond 156th street to Fleetwood Park Race Course, Morris avenue is only fifty feet in width as now graded. Through Fleetwood Park and to the north the avenue is not yet regulated and graded. On the portion of the avenue now in use, double tracks could not be laid without inconvenience and possible danger to other traffic, and there is this objection to granting a permit for this avenue until it has been opened to its full width of eighty feet, besides the objection that there is no thoroughfare through the Fleetwood Park portion at present.

ROUTE 2.—There will be no thoroughfare from Melrose Avenue to Webster Avenue until the viaduct is completed over the railroad tracks and yard of the New York Central Railroad Company. North of Bedford Park, Webster Avenue is now being regulated and graded, and will not be in a condition for laying tracks thereon until this is completed.

ROUTE 3.—Burnside Avenue is now in course of construction on a depressed level so as to pass under the old Croton aqueduct. There will be no thoroughfare through there until this is completed.

ROUTE 4.—Boscobel Avenue has never been actually opened to traffic, but is now being regulated and graded, and will not be in a condition for laying tracks thereon until this is completed.

ROUTE 5.—High Bridge Road, now known as Fordham Landing Road, is less than fifty feet in width as now in use. The same objection as in Route 1 applies to granting a permit for this street until it has been regulated and graded to its full width of eighty feet.

ROUTE 6.—This avenue will have to be opened shortly for laying a main sewer through and under its roadbed, and its present width of sixty feet is to be extended to eighty feet and I do not deem it expedient to have the roadbed opened twice within a short time, if it can be avoided. In any case the sewer should be completed first.

These are briefly my reasons for being unwilling to grant a permit for any of these routes under existing circumstances. They are, I believe, known to you, but I see no objection to my restating them as I have done in this letter.

Respectfully,

(Sgd.) LOUIS F. HAFFEN,
Commissioner.

PERMIT OF DEPARTMENT OF BRIDGES TO CONSTRUCTION
UPON 129TH STREET PLAZA, WITH PLANS AND ACCEP-
TANCE OF SAME BY COMPANY.

DEPARTMENT OF BRIDGES,
City of New York,
Commissioner's Office,
Stewart Building,
Manhattan,
New York City, N. Y.

JOHN L. SHEA,
Commissioner.

Permission is hereby granted to the Union Railway Company, of New York City, a surface railroad corporation, which for a period of more than five years has crossed the bridge over the Harlem river at Third avenue in the city of New York, with its cars, and is now about to enter upon and cross the bridge over the Harlem river at Third avenue in said city which has been constructed and substituted for the bridge heretofore used by said city and said corporation, to lay, extend, maintain and use railway loop tracks for the transit of its cars over, across and upon the plaza of the southeast approach to said new Third Avenue Bridge from a point intersecting the tracks of said railway company at the proposed terminus of said bridge at 129th street under the elevated structure to a point distant 117 feet 5 inches north from the south side of 123th street as laid down in the annexed sketch or tracing.

It being expressly understood and agreed that said railway company acquires no rights in, upon or to said plaza or approach or any part thereof, and that this permit may be revoked at any time by the Commissioner of the Department of Bridges of the City of New York, and that upon such revocation said Union Railway Company, its successors, lessees or assigns, shall immediately, upon notice served by mail or otherwise upon it at its last known address in the city of New York, remove said railway

loop tracks, and restore said plaza and approach to a clean, substantial condition, satisfactory to the Chief Engineer of the Department of Bridges; and in case of delay or refusal to so restore said plaza or approach, the Commissioner of Bridges may cause the same to be removed at the expense of said company, its lessees or assigns; and it being further understood and agreed that said loop tracks and connections, which are indicated upon the map or tracing hereto annexed as part of this permit, shall be constructed, laid and maintained under the supervision, control and approval of the Chief Engineer of the Department of Bridges.

It is further understood and agreed that for and in consideration of the privileges hereby granted, said Railway Company shall pay to the city of New York the sum of two thousand dollars per annum for each and every year that said railway loop tracks remain on said plaza or approach; that said sum shall be paid in equal quarterly instalments, at the office of the Department of Bridges, on the fifteenth days of December, March, June and September.

JOHN L. SHEA,
Commissioner of Bridges,
City of New York.

Dated September 19, 1898.

Approved as to form.

THEODORE CONNOLY,
1st Assistant Corporation Counsel.

The Union Railway Company of New York City, the corporation named in the foregoing permit, hereby accepts permission to lay its railway loop tracks upon

the plaza or approach in said permit mentioned, upon the terms, conditions and restrictions therein contained.

UNION RAILWAY COMPANY OF NEW YORK CITY,

by

EDWARD A. MAHER,
President.

Attest :

THOMAS W. OLCOTT,
[SEAL.] Secretary and Treasurer.

STATE OF NEW YORK, } ss. :
City and County of New York,

On this 19th day of September, 1898, before me personally came EDWARD A. MAHER and THOMAS W. OLCOTT, to me personally known, who being by me duly sworn did each for himself depose and say : That he, Edward A. Maher, resides in the city of New York, and that he is the President of the Union Railway Company of New York City ; and that he, Thomas W. Olcott, is Secretary and Treasurer of said Union Railway Company of New York City ; and that they and each of them executed the foregoing acceptance on behalf of said Union Railway Company of New York City, in their capacity as President and Secretary and Treasurer of said company respectively, under the authority of a resolution of the Board of Directors of said company ; and that the seal of said Company is affixed thereto under like authority.

WM. C. FARLEY,
Notary Public,
N. Y. Co.

[SEAL.]

HARLEM BRIDGE, MORRISANIA
AND FORDHAM RAILWAY
COMPANY.

CHAPTER 361. LAWS OF 1863.

AN ACT to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania.

Passed May 2, 1863.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for George W. Devoe, William Cauldwell, John B. Haskin, Edward Baach, Ralph L. Anderson, Frederick Grote, Charles Bathgate, James Edwards, C. H. Reynolds, John C. Kayser, Silas D. Gifford, Thomas Stewart, Henry R. Wilkinson, Richard Sill and those who may now or hereafter be associated with them, shall have the exclusive right to ay a double track

On the centre of the Boston Postroad, and to use and operate the same, commencing at or near the termination of the Harlem or Coles bridge, on the Westchester side, and running along said road to a point where the said road intersects with Fordham avenue, and thence along said Fordham avenue, by a single or double track, with necessary turnouts, to the Kingsbridge road ; thence along the same to the Harlem Railroad, at or near its depot at Fordham.

§ 2. The cars to be used on said road shall be drawn only by horses or other animals.

§ 3. The rails to be laid on said road shall be of the most approved pattern, (such as are used on the Phila-

delphia city railroads,) of the weight of not less than thirty pounds to the yard. Between the tracks and between the rails shall be macadamized and kept in good repair, and on each side of the rails outside of the tracks, to a distance of six feet on each side of the outside rails of both tracks thereof, the road shall be paved with the Belgian or other approved pavement, or shall be macadamized and kept in good repair, and the rails shall be so laid as not to obstruct carriage travel, and the said grantees shall best conform their tracks to the grades of the roads as they now are or may be changed by the authorities of the town.

§ 4. The said road, from its point of commencement at Harlem Bridge to Eighth street, Morrisania, shall be completed in six months; and from that point to the Fordham depot in twelve months from the passage of this Act. If the said corporation are delayed in commencing or completing the said railroad by any cause other than their own act the time during which such delays continue shall not be included in said period.

§ 5. No greater amount of fare shall be charged any passenger from Harlem Bridge to Eighth street, West Farms, than five cents; nor a greater sum from Harlem Bridge to Tremont than eight cents nor a greater sum than ten cents for the entire distance.

§ 6. The grantees herein named, and their successors or associates, shall have power to issue bonds or obligations for the construction, equipping and running of said road, to the amount of one-half of the capital stock necessary for such purposes.

§ 7. Said grantees and their associates are hereby required, within two months after the passage of this Act, to organize under an Act of the Legislature entitled "An Act to authorize the formation of railroad companies, and to regulate the same," passed April second eighteen hundred and fifty; and such corporation when so formed shall have the powers and be subject to all

the provisions of the said Act not inconsistent herewith except the following sections or any modification of them, viz: the twenty-seventh, thirty-first, thirty-fourth (as far as it relates to the transportation of property) thirty-seventh, thirty-eighth, thirty-ninth, fortieth and forty-fourth, and excepting also as to the number of associates and the amount of capital stock to be subscribed, as required by the first and second sections of the said Act. But the said corporation shall make an annual report to the State Engineer and Surveyor of its business and affairs, in such manner and form as he shall require.

§ 8. The corporation formed under this Act is hereby required to make a reasonable compensation to the owner or proprietor of the Union Stage line, McGough Independent Stage line, by reason of the purchase of the same, or damages by reason of the laying of said track to this line; and for such purpose the corporation, or the grantees herein, or a majority of them, shall appoint one disinterested party, the owner of the stage line shall appoint one disinterested party, and these two shall agree upon the amount to be paid the owners of said stage lines. If the said parties shall fail to agree upon the price to be paid by the parties herein, then the appraisers shall choose a third party, and a decision of a majority of them shall be final and binding upon the corporation and the proprietor of the stage lines; said stages to be run by the proprietor thereof until the completion and operation of said road as far as Eighth street in Morrisania.

§ 9. It shall be lawful, and the corporation formed under this Act is authorized to lay railway tracks at the termination of its road at Fordham, or at any other convenient point, by the most feasible route, to the village of West Farms, and from thence to the village of Westchester, and from thence to the village of Mount Vernon, in the towns of West and East Chester; and said roads may be operated by dummy engines. Bridges

crossing navigable streams, for the use of said railroads, shall be constructed with sufficient and proper draws, provided the consent in writing shall first be obtained from the supervisor and commissioners of highways of the respective towns before constructing either of the roads provided for in this section.

§ 10. This Act shall take effect immediately.

ARTICLES OF ASSOCIATION
OF THE

HARLEM BRIDGE MORRISANIA AND FORDHAM
RAILWAY COMPANY.

[Cancelled Revenue Stamp.]

Made and signed pursuant to Chapter 140 of the Laws of 1850, and also pursuant to the Act passed May 2, 1863, and known as Chapter 361, entitled, "An Act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania."

1. The subscribers do hereby form a company to construct, maintain and operate a railroad for public use in the conveyance of persons and property.

2. The name of the company shall be the Harlem Bridge, Morrisania and Fordham Railway Company.

3. The company shall continue for one thousand years from the filing of these papers in the office of the Secretary of State.

4. The places from and to which the road is to be constructed, maintained and operated are as follows :

[Cancelled Revenue Stamp.]

Commencing at or near the termination of the Harlem or Coles bridge on the Westchester side, and running along the Boston Post road to a point where the said road intersects with Fordham avenue, and thence along said Fordham avenue by a single or double track with

necessary turnouts, to the Kingsbridge road, thence along the same to the Harlem railroad, at or near its depot at Fordham.

5. The length of the road from Harlem bridge to Fordham about four and a half miles.

6. The road is entirely in the county of Westchester.

7. The capital stock shall be (100,000) one hundred thousand dollars.

8. The number of shares shall be (2,000) two thousand shares of fifty dollars each.

9. The thirteen directors who shall manage the affairs of the company for the first year, and until others shall be chosen in their places, are as follows :

John B. Haskin,	Thomas Stewart,
Ralph L. Anderton,	John C. Kayser,
Frederick Grote,	Edward Baack,
Charles Bathgate,	William H. Van Cott,
Abraham B. Tappen,	William Cauldwell,
John Bussing,	Pierre C. Tallman,
Horace P. Whitney.	

[Cancelled Revenue Stamp.]

10. The railway intended to be constructed, maintained and operated by the company hereby formed, will be governed and regulated by the Acts of the Legislature, above referred to, passed May 2, 1863, and also the Act above referred to passed April second, 1850, and any amendment thereof, so far as applicable.

11. Each subscriber to these articles subscribes hereto his name, his place of residence, and the number of shares of stock he agrees to take in the company hereby formed.

12. The corporation hereby formed does not avail itself of the privileges of the ninth section of the Act of May 2, 1863; but such privileges and franchises conferred by said ninth section are expressly reserved to

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the said grantees in said Act, and their assigns, as the basis of a separate corporate organization.

<i>Names.</i>	<i>Residences.</i>	<i>Number of Shares.</i>
John B. Haskin.....	Fordham.....	(138) One hundred & thirty-eight.
Thomas Stewart.....	18 State St., New York.	One hundred & forty.
Ralph L. Anderton...	Fordham.....	(138) One hundred & thirty-eight.
Henry R. Wilkinson...	New York City.....	One hundred & thirty-eight.
Charles Bathgate.....	West Farms.....	Forty.
F. Grote	Fordham ..	One hundred & forty.
Richard Sill.....	Morrisania.....	One hundred & forty.
Edward Baack.....	Fordham.....	One hundred forty.
William Cauldwell...	Morrisania.....	One hundred (100).
Abraham B. Tappen...	Fordham.....	One hundred & forty.
John C. Kayser.....	Fordham.....	Ten. shares.
Horace P. Whitney...	Brooklyn, N. Y.....	Forty. (40) shares.
P. C. Talman.....	West Farms.....	Two. shares.
Wm. H. Van Cott...	New York City.....	Two. shares.
John Bussing.....	Fordham.....	Twenty-two. shares (22).

[Cancelled Revenue Stamp.]

City and County of New York, ss.:

On this 12th day of May, 1863, before me personally came John B. Haskin, Thomas Stewart, Ralph L. Anderton, Henry R. Wilkinson, Charles Bathgate, Frederick Grote, Richard Sill, Edward Baack, William Cauldwell, Abraham B. Tappen, John C. Kayser, Horace P. Whitney, Pierre C. Talman, and John Bussing, to me known to be the same persons described in and who executed the foregoing articles of association, and they severally acknowledged to me that they executed the same.

[Cancelled Revenue Stamp.]

CHAS. H. HINMAN,
Notary Public in & for the City and
County of New York.

[Cancelled Revenue Stamp.]

City and County of New York, ss.:

John B. Haskin, William Cauldwell, and Abraham B. Tappen, being severally duly sworn, each for himself says:

[Cancelled Revenue Stamp.] *First*.—That he is one of the directors named in the articles of association of the Harlem Bridge, Morrisania & Fordham Railway Company.

Second.—That one thousand dollars of stock for every mile of railway proposed to be made is subscribed thereto and subscribed in good faith, and that ten per cent. thereon has been paid in in cash and in good faith, as required by law.

JOHN B. HASKIN,
WM. CAULDWELL,
A. B. TAPPEN.

Sworn before me, May 13, 1863.

CHAS. H. HINMAN,
Notary Public.

(Endorsed): Articles of Association of the Harlem Bridge, Morrisania and Fordham Railway Company, filed May 16th, 1863, J. Wesley Smith, Dep. Secty of State.

AFFIDAVIT AS TO PAYMENT OF TEN PER CENT.

<p>In the Matter</p> <p><i>of</i></p> <p>THE INCORPORATION OF THE HAR- LEM BRIDGE MORRISANIA AND FORDHAM RAILWAY COMPANY.</p>	}
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City and County of New York, ss.:

JOHN B. HASKIN, WILLIAM CAULDWELL and ABRAHAM B. TAPPEN, being severally duly sworn each for

himself says that he is a Director of the above-named Harlem Bridge Morrisania and Fordham Railway Company.

That more than one thousand dollars of stock for every mile of railroad proposed to be made, is subscribed to the articles of association and has been subscribed in good faith and that ten per cent. has been paid in cash thereon in good faith, and that it is intended in good faith to construct, maintain and operate the road mentioned in such articles of association.

JOHN B. HASKIN,
WM. CAULDWELL,
ABRAHAM B. TAPPEN.

Subscribed and sworn before)
me May 13th, 1863. }

CHAS. H. HINNAN
Notary Public.

{ Canceled Revenue }
{ Stamp. }

Endorsed :

HARLEM BRIDGE MORRISANIA AND
FORDHAM RAILWAY COMPANY.

Affidavit, of ten per ct
paid in &c. &c.

Filed June 13th 1863

R. BAMBER
Chief Clk.

[Cancelled Revenue Stamp.]

OFFICE OF THE HARLEM BRIDGE, MORRISANIA AND
FORDHAM RAILWAY COMPANY.

MORRISANIA, June 27, 1863.

At a meeting of the stockholders of the said company, held pursuant to notice and call for such purpose, the following resolutions were unanimously adopted :

Resolved, That article twelve of the articles of organization or incorporation of the Harlem Bridge, Morrisania and Fordham Railway Company, acknowledged before Charles H. Hinman, Notary Public, on the twelfth day of May, 1863, and filed and recorded in the office of the Secretary of State at Albany, on the 16th day of May, 1863, so far as the same expresses an intention and the purpose of the grantees named in the Act of May 2, 1863, mentioned in the said articles of association, not to avail themselves of the privileges of the ninth section of the said Act, be and the said article is hereby rescinded, annulled and repealed.

Resolved, That, as grantees and incorporators named in the said Act and the said articles of association, and as assigns of certain of the grantees, and as representatives and holders of all the shares of the capital stock of said Company and of all the franchises and privileges of said Act, including the ninth section thereof in relation to the extension of the railway and tracks of the said Company, and the route thereof to West Farms and Westchester and to Mount Vernon, in the towns of West and Eastchester, and the operation of the road by dummy engines, be, and the same are hereby accepted and availed of by us.

And these resolutions are adopted and incorporated with the said articles of association as a part thereof, and as an amendment to and forming an article of the said articles of association instead of the twelfth section thereof.

And all the privileges and franchises of said ninth section are hereby vested in the said Incorporation or Company.

In witness whereof, the undersigned, being the persons representing all the shares, interests and franchises aforesaid, have hereunto subscribed their names and seals the day first written.

JOHN B. HASKIN for	} Grantee and Assignee of [L. S.]
self and Assignee of	
THOMAS STEWART.	
	} THOMAS STEWART, also
	} Grantee, and represent-
	} ing four hundred and
	} one shares. [L. S.]

WM. A. DARLING, one hundred & forty shares. [L. S.]

H. R. REMSEN, JOS. MCD., Attorney, one hundred & forty shares. [L. S.]

ARRAHAM B. TAPPEN, seventy-nine shares. [L. S.]

ED. BAACK, one hundred forty shares. [L. S.]

RALPH L. ANDERTON, one hundred shares. [L. S.]

CAROLINE S. TALMAN, Per P. C. TALMAN, Atty,
Assignee, two hundred twenty-six. [L. S.]

JOHN BUSSING, twenty shares. [L. S.]

HORACE P. WHITNEY, one hundred seventy
shares. [L. S.]

PIERRE C. TALMAN, two shares. [L. S.]

WM. CAULDWELL, one hundred and forty shares. [L. S.]

WILLIAM REMSEN, one hundred & forty shares. [L. S.]

F. GROTE, one hundred & forty shares. [L. S.]

H. HART, one hundred & forty shares. [L. S.]

[Cancelled Revenue Stamp.]

Westchester County, State of New York, ss.:

On this 27th day of June, 1863, before me personally appeared John B. Haskin, William A. Darling, Henry R. Remsen, by William A. Darling, his attorney in fact; Abraham B. Tappen, Edward Baack, Ralph L. Anderton, John Bussing, Horace P. Whitney, Pierre C. Talman, William Cauldwell, William Remsen, Fred-

erick Grote, Henry Hart, and Caroline S. Talman, by Pierre C. Talman, her attorney in fact, known to me to be persons who executed the foregoing instrument, and acknowledged to me that they executed the same for the uses and purposes therein mentioned.

RICHARD SILL,
Notary Public
in & for the County of Westchester.

[Cancelled Revenue Stamp.]

City and County of New York, ss. :

[Cancelled Revenue Stamp.] JOHN B. HASKIN, being duly sworn, says that he is the President of the Harlem Bridge, Morrisania & Fordham Railway Company, and is one of the Directors thereof; that one thousand dollars of stock for every mile of railway proposed to be made is subscribed thereto, and subscribed in good faith; and that ten per cent. thereon has been paid in in cash, and in good faith, as required by law.

[Cancelled Revenue Stamp.] That it is the intention of said Company, in good faith, to build and construct said road according to law.

JOHN B. HASKIN,
President Harlem Bridge, Morrisania &
Fordham Railway Company.

Sworn before me the 29th }
day of June, 1863. }

CHAS. H. HINMAN,
Notary Public.

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Endorsed—THE HARLEM BRIDGE, MORRISANIA & FORDHAM RAILWAY COMPANY.

Resolutions in amendment of Articles of Association. Filed July 1, 1863.

HORATIO BALLARD,
Secretary of State.

CERTIFICATE OF INCREASE OF CAPITAL STOCK.

Office of the

HARLEM BRIDGE, MORRISANIA & FORDHAM RAILWAY
COMPANY.

Monday, June 1st, 1863.

Notice is hereby given that a meeting of the stockholders of this company will be held at the office of the company at Morrisania, on the 20th day of July, 1863, at 8 o'clock P. M. The object of the meeting is to increase the capital stock to the sum of \$300,000.

I. B. HASKIN, Prest.
R. L. ANDERTON, Secty.

The undersigned stockholders, representing all the shares of stock of said company, hereby accept the above notice and admit service thereof on this date.

Dated June 27th, 1863.

John B. Haskin.....	400 shares
Ralph L. Anderton....	100 “
C. S. Talman,	
Per P. C. Talman, atty.....	276 “
P. C. Talman.....	2 “
Wm. H. Van Cott,	
Pr. P. C. Talman, Atty.....	2 “
John C. Kayser.....	10 “
Fredk. Grote	140 “

John Bussing.....	20 shares
Wm. A. Darling.....	140 “
H. R. Remsen, Pr. W. A. Darling, Atty.....	140 “
Wm. Remsen, Pr. W. A. Darling, Atty.....	140 “
Abm. B. Tappen....	80 “
Edw. Baack....	140 “
Horace P. Whitney.....	170 “
Wm. Cauldwell.....	100 “
Henry Hart.....	140 “

Office of the
HARLEM BRIDGE, MORRISANIA & FORDHAM RAILWAY
COMPY.

Monday, July 27, 1863.

The stockholders of this company, whose names are hereto subscribed, met and convened pursuant to the foregoing notice, for the purpose of increasing the capital stock of said company from the sum of One Hundred Thousand Dollars, the present amount, to the sum of Three Hundred Thousand Dollars. And the said stockholders unanimously adopted the following resolutions :

Resolved, That the capital stock of the H. B. M. & Fordham Railway Compy. be and the same is hereby increased from the sum of one hundred thousand dolls. to the sum of three hundred thousand dolls., so that the capital stock of said company shall be, and is hereby declared to be, the sum of three hundred thousand dolls., and that the no. of shares of stock shall be and is hereby declared to be 6,000 shares of fifty dollars each. And it is hereby further *Resolved*, That the said company, and the said stockholders do hereby accept the provisions and franchises conferred by the 9th section of Chapter 361 of the Laws of 1863, in relation to extending the route and tracks of the said Railway to West Farms, and to Westchester, and to Eastchester,

and the same is hereby made part of their Articles of Association.

I. B. Haskin ; E. Baach ; W. Caldwell ; W. H. Van Cott pr. P. C. Talman, atty. ; W. A. Darling ; R. L. Anderton ; A. B. Tappen ; H. R. Remsen, pr. W. A. Darling, atty. ; Wm. Remsen, pr. W. A. Darling, atty. ; I. C. Kayser ; C. S. Talman, pr. R. C. Talman, atty. ; Henry Hart ; John Bussing ; H. P. Whitney ; F. Grote ; P. C. Talman.

City and County of New York : ss :

On this 27th day of July, 1863, personally appeared before me, John B. Haskin, Wm. A. Darling, Edw. Baack, R. L. Anderton, J. C. Kayser, H. P. Whitney, Fredk. Grote, Wm. Cauldwell, A. B. Tappen, P. C. Talman, Henry Hart and John Bussing, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged to me that they executed the same.

Also on the same day personally appeared before me Wm. A. Darling, known to me to be attorney in fact for Henry R. Remsen and William Remsen, and known to me to be the person who executed the said instrument as and for said Henry R. and William Remsen, and acknowledged to me that he executed the same as and for the act and deed of said Henry R. Remsen and William Remsen.

Also on the same day personally appeared before me Pierre C. Talman and known to me to be the attorney in fact for Caroline S. Talman and William H. Van Cott, and known to me to be the persons who executed the said instrument as and for said Caroline S. Talman and W. H. Van Cott, and acknowledged to me that he executed the same as and for the act and deed of said Caroline S. Talman and W. H. Van Cott

[L. S.]

CHAS. H. HILMAN,
Notary Public in and for the
City of New York, &c.

RESOLUTIONS OF BOARDS OF SUPERVISORS, WESTCHESTER AND NEW YORK COUNTIES, RELATIVE TO
HARLEM BRIDGE.

Resolved. That permission is hereby granted by this Board to the Harlem Bridge, Morrisania and Fordham Railway Company to extend their rails over the present Harlem Bridge, as applied for, so far as this county has jurisdiction over the same.

ADOPTED NOV. 29, 1864, by the Board of Supervisors Westchester County.

Resolved, That consent is hereby given to the Harlem Bridge, Morrisania and Fordham Railway Company of Morrisania to lay its rails upon so much of the Harlem Bridge as is within the jurisdiction of this county.

ADOPTED DEC. 10, 1868, by the Board of Supervisors Westchester County.

Resolved, That permission be and is hereby given to the Harlem Bridge, Morrisania and Fordham Railway Company to lay rails over and across the Harlem Bridge to connect with the tracks of said company ; provided, however, that the rails to be laid shall be of the bar pattern, not exceeding one inch in thickness, and shall be underlined with gutta-percha, and fastened with counter-sunk screws.

Adopted by the Board of Supervisors, New York County, Sept. 9, 1868.

Approved by the acting Mayor, Sept. 9, 1868.

J. B. YOUNG,
Clerk.

CHAPTER 715. LAWS OF 1865.

AN ACT to amend an act entitled "An Act to Authorize the Construction of a Railway and Tracks in the Towns of West Farms and Morrisania."

Passed May 12, 1865.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of the Act entitled "An Act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania," is hereby amended so as to read as follows :

The cars to be used on said road shall be operated by dummy engines or horse power.

§ 2. Section nine of said Act is hereby amended so as to read as follows :

It shall be lawful, and the corporation formed under this Act, is authorized, to lay railway tracks

at the termination of its road at Fordham, or at any other convenient points by the most feasible highway to the village of West Farms, and from thence to the village of Westchester, and from thence to the village of Mount Vernon.

Bridges crossing navigable streams for the use of said railroads shall be constructed with sufficient and proper draws, provided the consent in writing shall first be obtained from the supervisor and commissioners of highways of the respective towns before constructing either of the roads provided for in this section.

§ 3. This Act shall take effect immediately.

CHAPTER 815. LAWS OF 1866.

AN ACT to amend chapter three hundred and sixty-one of the laws of eighteen hundred and sixty-three, entitled "An Act to Authorize the Construction of a Railway and Tracks in the Towns of West Farms and Morrisania" passed May second eighteen hundred and sixty-three.

Passed April 25, 1866.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of an Act entitled "An Act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania" passed May second eighteen hundred and sixty-three is hereby amended by adding to the end of the section the words following :

The rails to be laid on said road shall be of the most approved pattern, of the weight of not less than thirty pounds to the yard. Between the tracks and between the rails the road shall be macadamized or paved, and kept in good repair by said company ; and whenever the authorities either of the town of Morrisania, or the town of West Farms, shall decide upon paving with Belgian pavement, or other approved pavement, the road or avenue upon which the rails of said company are now laid, one-sixth of the cost of such paving shall, upon the completion thereof, be paid by said railway company to the proper authorities of said towns, or either of said towns, or either of said towns.

§ 2. The Legislature may at any time alter, amend or repeal this Act.

§ 3. This Act shall take effect immediately.

CHAPTER 892. LAWS OF 1867.

AN ACT to amend an Act entitled “ An Act to Authorize the Construction of a Railway and Tracks in the Towns of West Farms and Morrisania ” passed May second eighteen hundred and sixty-three

Passed May 11, 1867.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five of the Act entitled “ An Act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania ” passed May second eighteen hundred and sixty-three, is hereby amended so as to read as follows :

§ 5. No greater amount than six cents shall be charged for the transportation of a passenger from Harlem Bridge to the northerly boundary of the town of Morrisania ; nor a greater amount than eight cents from Harlem Bridge to Locust avenue, Tremont ; nor a greater amount than ten cents from Harlem Bridge to the terminus of the road at Fordham.

§ 2. Section nine of said Act is hereby amended to read as follows :

“ § 9. It shall be lawful, and the corporation formed under this Act is hereby authorized, to lay railway tracks and operate the same

along One Hundred and Thirty-eighth street in the town of Morrisania to Port Morris, and along William street, Grove street, Butternut street, Cedar street and River avenue, in said town of Morrisania, and across Cromwell's Creek to the village of Highbridgeville, the said railway tracks not to be laid upon or along any part of Central avenue in said town, except across the same; and along the Boston Post-road to the village of West Farms and the village of West Chester, in the town of Westchester.

The cars on said railroad hereby extended shall only be drawn by horses or other animals, unless otherwise assented to in writing by a majority of the owners of real estate on said extension."

§ 3. This Act shall take effect immediately.

CHAPTER 638, LAWS OF 1871.

AN ACT to Amend an Act entitled "An Act to Authorize the Construction of a Railway and Tracks in the Towns of West Farms and Morrisania," passed May Second, Eighteen Hundred and Sixty-three.

Passed April 20, 1871.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section nine of "An Act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania," passed May second, eighteen hundred and sixty-three, as amended by chapter eight hundred and ninety-two of the laws of eighteen hundred and sixty-seven, is hereby amended by adding at the end thereof as follows :

It shall also be lawful, and the corporation formed under this Act is hereby authorized to lay railway tracks and operate the same

either through Lincoln avenue and One Hundred and Thirty-third street, or through both of said street and avenue, in the town of Morrisania, if necessary, to connect with the ferry of the Morrisania Steamboat Company.

§ 2. Section three of said Act is hereby amended to read as follows :

§ 3. The rails to be laid on said route shall be of the most approved pattern of the weight of not less than

thirty pounds to the lineal yard, and the said grantees or their successors shall keep the surface of the street inside the rails, and for one foot outside thereof, in good and proper order and repair, and conform the tracks to the grades of the streets or avenues as they now are or may hereafter be changed by the authorities of the aforesaid towns.

§ 3. This Act shall take effect immediately.

CHAPTER 517, LAWS OF 1873.

AN ACT to Amend an Act entitled "An Act to Amend an Act, entitled An 'Act to Authorize the Construction of a Railway and Tracks in the Towns of West Farms and Morrisania,' passed May Second, Eighteen Hundred and Sixty-three," passed April Twentieth, Eighteen Hundred and Seventy-one.

Passed May 15, 1873.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section nine of an Act entitled "An Act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania," passed May second, eighteen hundred and sixty-three, as amended by chapter eight hundred and ninety-two of the Laws of eighteen hundred and sixty-seven, and by chapter six hundred and fifty-eight of the Laws of Eighteen hundred and seventy-one, is hereby further amended by adding to the end thereof as follows :

It shall also be lawful, and the corporation formed under this act is hereby authorized, to lay single or double tracks and operate the same by horse-power through and along Westchester avenue or southern Westchester turnpike, from its junction with Third avenue, or Boston road, in the town of Morrisania, through the towns of West Farms and Westchester to

Westchester village, and through and along Morris street and Locust avenue, in the town of West Farms, from the Harlem railroad to West Farms village.

But no greater rate of fare than five cents per mile, or for any distance less than one mile in addition to the fare authorized by section five of an Act entitled "An Act to authorize the construction of a Railway and Tracks in the towns of West Farms and Morrisania," passed May second, eighteen hundred and sixty-three, shall be charged on either of the branch tracks of said corporation authorized by this section.

§ 2. This act shall take effect immediately.

CHAPTER 553. LAWS OF 1874.

AN ACT to amend an Act entitled "An Act to authorize the construction of a Railway and Tracks in the towns of West Farms and Morrisania," passed May second, eighteen hundred and sixty-three.

Passed May 22, 1874.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eight of an Act entitled "An Act to authorize the construction of a railway and tracks in the towns of West Farms and Morrisania," passed May second, eighteen hundred and sixty-three, is hereby amended to read as follows :

§ 8. It shall be lawful, and the corporation formed under this act is hereby authorized, to lay single or double tracks, and use and operate the same, through and along St. Ann's avenue to its southern terminus, and through and along Van Stoll street, otherwise known as One Hundred and Thirty-eighth street, from Third avenue to the Harlem river ; and also through and along College avenue from Kingsbridge road to its intersection with the road known as Fordham and Pel-

ham avenue, and through and along said last-named avenue to Pelham bridge, in the town of Westchester ; and also from the present terminus of the tracks of the said corporation at or near Locust avenue, in the late town of West Farms, through and along the main road, leading in an easterly direction to the point where the said main road intersects the Westchester turnpike, in the said town of Westchester. But no greater fare than five cents per mile, or for any distance, in addition to the fare authorized by Section five of the Act hereby amended, shall be charged on either of the tracks of said corporation authorized by this Act.

§ 2. This Act shall take effect immediately.

CHAPTER 295. LAWS OF 1875.

AN ACT to amend chapter three hundred and sixty-one of the Laws of eighteen hundred and sixty-three, entitled "An Act to authorize the Construction of a Railway and Tracks in the towns of West Farms and Morrisania."

Passed May 13, 1875.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eight of chapter three hundred and sixty-one of the Laws of eighteen hundred and sixty-three, entitled, "An Act to authorize the Construction of a Railway and Tracks in the towns of West Farms and Morrisiana," is hereby amended so as to read as follows :

§ 8. It shall be lawful, and the corporation formed under this Act is hereby authorized, to lay single or double tracks, and use and operate the same through and along St. Ann's avenue to its southern terminus, and through and along Van Stoll street, otherwise known as One hundred and thirty-eight street, from

Third avenue to the Harlem river ; and also through and along College avenue from Kingsbridge road to its intersection with the road known as Fordham and Pelham avenue, and through and along said last-named avenue to Pelham bridge in the town of Westchester ; and also from the present terminus of the tracks of said corporation at or near Locust avenue, in the late town of West Farms, through and along the main road leading in an easterly direction to the point where said main road intersects the Westchester turnpike in the said town of Westchester.

But no greater fare than five cents per mile, or for any distance less than a mile, in addition to the fare authorized by Section five of the Act hereby amended, shall be charged on either of the tracks of said corporation authorized by this Act.

§ 2. This Act shall take effect immediately.

CONSENT OF PROPERTY OWNERS TO CONSTRUCTION OF
ROAD SOUTH OF HARLEM BRIDGE.

In the Matter

of

The Application of the Harlem
Bridge, Morrisania and Ford-
ham Railway Company for
authority to construct an exten-
sion of its track from the north-
erly end of Harlem Bridge to
and along the Third Avenue at
129th street in the City of New
York.

The undersigned, owners of property bounded on the
Third avenue north of 129th street, and being owners of

one-half in value on that portion of Third avenue upon which the said extension of track is proposed to be constructed and operated, do hereby consent to the said construction and operation of said track by said company, with suitable turnouts and switches on said Third avenue.

Dated December, 1878.

Valuation on
Assessment Roll.

	THIRD AVENUE R. R. Co., N. Y., SAML.
\$167,000.	L. PHILLIPS, Presdt., for lots from 36 to 40, inclusive.
\$23,000.	{ H. HART, for lots Ward No. No. 33. WILLIAM REMSEN, for lots Ward No. No. 33.
\$6,000.	HENRY McCADDEN, Jr., for N. E. corner of Third Avenue & 130 Street.
\$10,000.	TERRENCE McGUIRE, Lott No. 1, Corner 129th St.

CONSENT OF LOCAL AUTHORITIES OF THE CITY OF NEW YORK TO EXTENSION OF ROUTE OVER HARLEM BRIDGE SOUTH TO 129TH STRET.

Whereas, The Harlem Bridge, Morrisania and Fordham Railway Company, by resolution of their Board of Directors, and by consent of one-half in value of property owners on the line of the extension as required by law, have taken proceedings for the extension of the tracks of their road from the present southerly terminus thereof to, along and upon the Harlem Bridge and Third avenue to One hundred and twenty-ninth street, and

Whereas, The completion of the Elevated Railroad on Third avenue to that point makes it desirable that

the application of the first named road for authority to extend its road should be granted, and that the facilities to be offered for rapid transit over the elevated road should be enjoyed by the people of the Twenty-third and Twenty-fourth Wards ; therefore, be it

Resolved, That permission be, and the same is hereby, granted, to the Harlem Bridge, Morrisania and Fordham Railroad Company to extend its tracks to, upon and across the Harlem Bridge, and on and along Third avenue to a point at or near 129th street, and to operate said road so extended, and to run cars thereon, with such switches, turnouts and tables as may be necessary, provided that said company shall run cars from said terminus until 1 A. M., and shall not charge any increased fares by reason of such extension ; provided that the said bridge be put into good repair after the laying of said tracks, at the expense of said company ; and that the said company keep said bridge in good repair between the tracks ; and that this permission shall continue only during the pleasure of the Common Council.

Adopted by the Board of Aldermen, December 17, 1878.

Received from his Honor the Mayor, December 20, 1878, with his objections thereto.

In Board of Aldermen, December 31, 1878, taken up and considered, as provided in Section 13, Chapter 335, Laws of 1873, and adopted, notwithstanding the objections of his Honor the Mayor, three-fourths of all the members elected voting in favor thereof.

(Signed)

F. J. TWOMEY,
Clerk C. C.

124 HARLEM BRIDGE, MOR. AND FORD. RAILWAY CO.

PERMISSION OF DEPARTMENT OF PUBLIC WORKS TO
OPEN THIRD AVENUE SOUTH OF HARLEM BRIDGE.

DEPARTMENT OF PUBLIC WORKS,
CHIEF ENGINEER'S OFFICE, CITY HALL,
NEW YORK, April 18, 1879.

The Harlem Bridge, Morrisania and Fordham Railway Company, by its agents and employees, under resolution of the Common Council, passed December 31st, 1878, and with consent of the property owners on both sides of the avenue, has permission to open Third Avenue on the East side, from Harlem Bridge to a point 125 feet south of the south house line of 130th Street, for the purpose of laying the tracks of their railway.

They to remove all surplus materials and restore the street as rapidly as possible, relaying the pavement and keeping the same in good order for one year.

G. W. BIRDSALL,
1st Ass't Engineer Croton Aqueduct.

Approved.

ALLAN CAMPBELL,
In charge of Bureau Commissioner of Public Works.

RESOLUTIONS, PERMISSIONS AND APPROVALS DEPARTMENT OF PUBLIC PARKS RELATIVE TO THIRD AVENUE BRIDGE.

DEPARTMENT OF PUBLIC PARKS,
36 Union Square (East),
NEW YORK, April 16, 1879.

Fordham and Morrisania R. R. Co.

At a meeting of the Board held this day, the following Resolution was adopted :

Resolved, That the Map and plan proposed by the Harlem Bridge, Morrisania and Fordham Railway Co. for the extension of its tracks from their present terminus in Third Avenue north of Harlem River, across the Harlem Bridge, to or near One hundred and Thirtieth Street, be, and the same are hereby approved, and that permission is hereby granted to said Company to make said extension, to and upon Harlem Bridge in accordance with said plan, the same to be continued during the pleasure of the Department of Public Parks, provided that the said Railway Company lay an additional covering of plank upon the roadway of said bridge of the full width thereof and keep the same in repair, and provided further that said Company submit their specification for the work, to this Department for approval.

Respectfully,

E. P. BARKER,
Secretary D. P. P.

CITY OF NEW YORK,
DEPARTMENT OF PUBLIC PARKS,
36 Union Square (East),
MAY 1, 1879.

To the Fordham and Morrisania R. R. Co.

Gentlemen.—At a meeting of the Board governing the Department of Public Parks, held on the 30th April ulto., the specifications presented by you for laying the tracks across the Harlem River Bridge at 3d Avenue and planking of said bridge were approved.

Respectfully,

E. P. BARKER,
Secretary.

DEPARTMENT OF PUBLIC PARKS.

Saturday, August 14, 1880.

Commissioner Lane offered the following :

Resolved, That the Fordham and Morrisania Railroad Company be, and they are hereby directed forthwith to put in good repair the roadway of the full width over the Third Avenue Bridge in accordance with the privilege granted said Company by this Board to cross said Bridge, the work to be done under the direction of the Engineer of Construction.

The President put the question whether the Board would agree to said resolution, and it was decided in the affirmative, a majority of all the members of the Board voting in favor thereof, as follows : Ayes—Commissioners Wenman, Conover, Lane, Green—4.

CITY OF NEW YORK,
DEPARTMENT OF PUBLIC PARKS,
September 23d, 1880.

To the Fordham and Morrisania R. R. Co. :

Gentlemen.—At a meeting of the Board governing the Department of Public Parks, held on 22d inst., it was

Resolved, That the work directed to be done by the Fordham and Morrisania Railroad Company for the repair of the roadway of the full width of the Third Avenue Bridge under a resolution of this Department passed August 14th, 1880, shall include new planking to replace the present two layers of planking, and to be of sufficient thickness, and of the best quality.

Resolved, That for the default of the said Company in complying with the resolution of August 14th, 1880, aforesaid, the license heretofore granted to said Com-

pany to cross the Third Avenue Bridge be, and the same is hereby revoked, unless the said resolution of the 14th August, 1880, and this resolution be complied with, and the work done and performed within thirty days from this date.

Respectfully,

E. P. BARKER,

D. P. P.

CITY OF NEW YORK,
DEPARTMENT OF PUBLIC PARKS,
36 Union Square,
October 8, 1880.

To the Morrisania and Fordham Railway Co. :

Gentlemen.—At a meeting of the Board governing this Department, held on the 6th inst., the following preamble and resolution were adopted :

WHEREAS, Certain resolutions were passed by the Board on the 14th day of August, 1880, and on the 22d day of September, 1880, relative to the planking of the entire roadway of the Third Avenue Bridge, by the Harlem Bridge, Morrisania and Fordham Railway Company ;

Resolved, That on condition that the said Company replace and relay with new plank the three courses of plank on the floor of the bridge, the time to complete the work is extended to the 15th November, 1880.

The resolutions above cited to remain in full force and effect, except as they are hereby modified, and the work to be done under the supervision of the Engineer of Construction of the Department.

Respectfully,

E. P. BARKER,

Secretary D. P. P.

128 HARLEM BRIDGE, MOR. AND FORD. RAILWAY CO.

CITY OF NEW YORK,
DEPARTMENT OF PUBLIC PARKS,
36 Union Square,
November 4, 1880.

To the Harlem Bridge, Morrisania and Fordham Railway Co. :

Gentlemen.—At a meeting of the Board governing the Department of Public Parks, held on 3d inst., it was

Resolved, That the action of the Board relative to the Harlem Bridge, Morrisania and Fordham Railway Company, had August 14, 1880, and September 22, 1880, be rescinded, and that said Company be directed to repair the Bridge forthwith in accordance with the resolution of the Board adopted April 16, 1879.

Respectfully,

E. P. BARKER,
Secretary D. P. P.

CITY OF NEW YORK,
DEPARTMENT OF PUBLIC PARKS,
36 Union Square,
December 24, 1880.

To the Harlem Bridge, Morrisania and Fordham Railway Co. :

Gentlemen.—At a meeting of the Board governing the Department of Public Parks, held on 23d inst., it was

Resolved, That the Engineer of Construction be directed to enforce the terms of the agreement with the Fordham and Morrisania Railroad Company relative to repairs to the Third Avenue Bridge, and that the repairs be made without further delay.

Respectfully,

E. P. BARKER,
Secretary D. P. P.

APPROVAL R. R. COMMISSIONERS, INCREASE OF STOCK. 129

APPROVAL OF BOARD OF RAILROAD COMMISSIONERS TO
INCREASE OF STOCK.

BOARD OF RAILROAD COMMISSIONERS

OF THE
STATE OF NEW YORK.

Albany, Sept. 23, 1884.

Present—Com. JOHN D. KERNAN.
Com. WILLIAM E. ROGERS.
Com. JOHN O'DONNELL.

In the Matter

of

The Application of the HARLEM
BRIDGE, MORRISANIA AND
FORDHAM RAILROAD COMPANY,
for the approval of the Board of
an increase of its capital stock
from \$300,000 to \$350,000.

The preliminary steps required by statute have, in this matter, been duly taken and the proceedings duly certified to the Board. The accountant of the Board, pursuant to resolution of the Board adopted June 24, 1884, has investigated the books of the company, and has made a report to the Board showing the cost of road and equipment and the amount of stock and bonds issued and outstanding.

After eliminating therefrom items for which no power voucher is produced, such as "W. Cauldwell as per

order of Board of Directors, \$685, and interest on bonds after the road went into operation, \$8,356.90," the cost of road and equipment, including real estate and buildings, stands at \$385,135.65.

Stock and bonds issued and outstanding stock \$300,000
Bonds, including mortgage on real estate 80,000

Total stock and bonds..... \$380,000

Three hundred thousand dollars of stock was issued for \$144,010 in money, and the balance \$155,990, was for "estimated value of franchise."

The Board would not be disposed to approve of an increase of stock so long as stockholders held \$300,000 of stock to represent but \$144,010 paid in and expended.

Further examination, however, developed an explanation which in the present condition of the law must be deemed satisfactory.

Construction and equipment cost in cash.	\$385,135 65
Cash receipts from \$300,000 stock.....	\$144,010 00
Cash receipts from \$67,000 bonds... ..	67,000 00
Cash receipts from \$13,000 bond and mort-	
gage.....	13,000 00
Cash receipts from earnings	161,125 65
	<u>\$385,135 65</u>

The stockholders were entitled to the above surplus from operation, to wit, \$161,125.65 as dividends. By permitting this \$161,125.65 of earnings to go into construction they have overpaid the \$155,990 of original deficiency which they ought to have paid for the stock.

Had the stock been paid for at par and the earnings divided, the stockholders would to-day have \$5,135.65, besides their full paid stock for \$300,000. The permitting earnings to thus go toward construction is permissible by law in this State and can only be forbidden by a change in existing laws.

The \$50,000 increase of stock asked for is to be di-

vided *pro rata* among the present stockholders and paid for at par, the proceeds to be used in extending the line through One Hundred and Thirty-eighth street, from a point where the Madison avenue bridge, now nearly completed, across the Harlem river eastward to the East river, a distance of about one and one-quarter miles. Should the entire amount of \$50,000 not be used in constructing and equipping the proposed extension, it is the purpose of the company to appropriate any balance remaining towards retiring the \$67,000 mortgage bonds outstanding.

These are proper and sufficient reasons for the increase of stock proposed. The Board accordingly hereby approves of the increase of the capital stock of the Harlem Bridge, Morrisania and Fordham Railroad Company from \$300,000 to \$350,000.

By the Board.

[SEAL.]

WILLIAM C. HUDSON,
Secretary.

PERMISSION OF DEPARTMENT OF PUBLIC PARKS TO OPEN LINCOLN AVENUE.

DEPARTMENT OF PUBLIC PARKS.
OFFICE OF ENGINEER OF CONSTRUCTION,
ARSENAL BUILDING, CENTRAL PARK.

The Harlem Bridge, Morrisania and Fordham Railway Company, its Agents and employees in conformity with the laws and ordinances relating thereto, are hereby given permission to open the following named street and avenue, along the route hereafter mentioned, for the purpose of laying a double track horse railroad, also to construct such switches, sidings, turnouts, turntables and suitable stands thereon as provided by the franchise of said company, and as may be necessary for

the convenient working of such road subject to the following conditions.

1st. The route or streets or avenues which may be opened for the construction of said railroad are to wit : Commencing at the present tracks of the Harlem Bridge, Morrisania and Fordham Railway in North Third Avenue, at or near its intersection with the Southern Boulevard (133d Street), with the necessary curves and switches both from the North and South ; thence in, through and along the center of the Southern Boulevard, with double tracks easterly to Lincoln avenue ; thence, with such curve as may be necessary to continue the said tracks from the center of the Southern Boulevard to the center of Lincoln Avenue ; thence in, through and along the center line of Lincoln Avenue, northerly to the present tracks of said Harlem Bridge, Morrisania and Fordham Railway in North Third Avenue, at or near the intersection of said Lincoln Avenue with East 138th Street, and also for such necessary curves and switches as may be necessary to make connection with the present tracks.

2nd. The said Harlem Bridge, Morrisania and Fordham Railway Company shall be subject to the following conditions and restrictions set forth and mentioned in this permit, and also subject to such special conditions and restrictions as the Commissioners of the Department of Public Parks may from time to time deem proper or necessary to impose.

The Commissioners of the Department of Public Parks reserve the right to revoke this permit in case of any violations of its terms or conditions.

3rd. The center of the tracks in the Southern Boulevard and Lincoln Avenue shall be four feet ten and one-quarter inches ($4' 10 \frac{1}{4}''$) distant from the center lines of said Boulevard and Avenue except at the curve connecting with the present tracks at either end, and the curve from the Boulevard to Lincoln Avenue.

4th. The construction and operation of said railway to be subject to the terms and conditions of the charter of the said company and also to the terms and conditions of Chapter 892 of the Laws of 1867, and Chapter 658 of 1871, and to the Laws and Ordinances of the city.

5th. The tracks shall be laid on the lines and grades approved by the Commissioners of the Department of Public Parks, and shall not be raised or lowered without their consent or approval.

6th. The Commissioners of the Department of Public Parks will designate an Engineer who shall attend the giving of lines and grades for the construction of said railway.

The compensation of said Engineer and Assistants must be paid by said company, but will be determined and regulated by the Commissioners of the Department of Public Parks

7th. The said company shall replace the pavement in a thorough, substantial and workmanlike manner in accordance with the specifications in use by the Department of Public Parks for laying new pavements, and to be renewed at such times and places as may be required by the Commissioners of the Department of Public Parks, immediately upon notice being given to said company by said Commissioners.

The said company shall maintain the streets and avenues between and about their tracks for at least one year, and also as stipulated in the various franchise laws and ordinances affecting said company and the city of New York.

8th. In the relaying of the pavements the said Railway Company shall furnish and provide at its own cost and expense whatever new material may be required.

9th. If there should be any rut, lump or sunken place in the adjacent pavement, the pavement shall be relaid over such places to whatever distance from the rail of

said company it may be necessary, so as to avoid any abrupt slopes, ridges or uneven pavement.

10th. The construction of said railway shall be so prosecuted as to cause as little inconvenience to public travel as practicable, and subject to such rules and regulations as the Commissioners of the Department of Public Parks shall impose.

The said company shall remove all surplus material as directed and restore the streets, roadways and avenues as rapidly as possible.

11th. Along that portion of the route, in and along the Southern Boulevard between the easterly crosswalk of North Third Avenue and the southerly crosswalk of Lincoln Avenue, which is unpaved and the center of which has been macadamized, the space between the rails of each track, and between the tracks and outside and adjoining the outer rails for a space of two (2) feet wide, shall be paved with trap block pavement of such specifications and in such manner as shall be directed by the Commissioners of the Department of Public Parks.

As soon as the laying of the tracks upon the portion of the route, as above specified in this section, the paving shall be at once commenced and vigorously prosecuted to its completion, the carriageway exterior to the pavement and to the curb line on each side to be properly shaped and all rubbish, stone, surplus material, &c., shall be at once removed, so as to obstruct the public travel as little as possible, and the whole work to be prosecuted with such expedition and in such manner as shall be to the satisfaction of the said Commissioners of the Department of Public Parks.

12th. The regulations in regard to repavement shall apply, as far as practicable, in the case of switches, sidings, turnouts, turntables or stands, but no switch, siding, turnout, turntable or stand shall be placed until the location and form of construction have been approved

by the Commissioners of the Department of Public Parks.

13th. All the work from the time the excavation is commenced to the time the pavement is laid or relaid is to be under the supervision of Inspectors who shall be appointed by and receive their instructions from the Commissioners of the Department of Public Parks, and whose salary shall be paid by said company.

14th. Approaches shall be constructed in such manner and of such material and at such places as may be required to relieve and facilitate public travel and business along the line.

15th. If any contractor, foreman, mechanic or laborer is insolent or negligent in carrying out any instructions given by any properly authorized representative of the Department of Public Parks he shall be forthwith discharged and not re-employed on the work without the consent of the Commissioners of the Department of Public Parks.

16th. All surplus paving stones or other material which is the property of the City must be delivered by said company at such places as may be designated by the Commissioners of the Department of Public Parks; the cost of transporting such stone or material shall be borne by said company.

17th. The said railway company shall place sufficient and proper guards for the prevention of accidents, and shall put up and keep at night suitable and sufficient lights, and they shall indemnify and save harmless the City of New York, its officers, agents and servants, against and from all damages, costs and expenses which they may suffer, or to which they may be put by reason of injury of person or property of another resulting from carelessness or negligence on the part of said company.

The work shall be carried on at such places, and for such distances as the Commissioners of the Department

of Public Parks or their representative shall from time to time designate.

18th. A notice or order given to any contractor or foreman in charge of any work shall be considered a notice to the company.

19th. Whenever in consequence of any process of law or other unexpected obstacle the work of constructing said railway shall be stopped for so long a time that the public travel shall be obstructed, the street or avenue shall be refilled and repaved as if the work contemplated in this permit were actually completed.

20th. If the said company, its contractors or agents shall refuse or neglect to carry out any of the provisions or requirements of this permit the Commissioners of the Department of Public Parks shall have the right and power to do the same at the expense and cost of said company.

21st. The said company must give 48 hours' notice in writing to the Engineer of Construction in the employ of the Department of Public Parks of their intention to commence work at any point, and must not disturb the pavement, commence work or deposit material anywhere until the Inspector is on the ground to give the necessary instructions.

AGREEMENT WITH THE NEW YORK, NEW HAVEN AND
HARTFORD RAILROAD COMPANY, AS TO CROSSING,
138TH STREET.

WHEREAS, The Harlem Bridge, Morrisania & Fordham Railway Company is building a branch line through 138th street, from North Third Avenue to Port Morris crossing, the Harlem River Branch of The New York, New Haven and Hartford Railroad Company.

Now, said New York, New Haven and Hartford Railroad Company hereby permits said Harlem Bridge, Morrisania and Fordham Railway Company to lay its tracks across the roadway of said Harlem River Branch under the supervision of said New York, New Haven and Hartford Railroad Company's Roadmaster, but at the expense of said Harlem Bridge, Morrisania and Fordham Railway Company and in such a way as not to interfere in any way with said New York, New Haven and Hartford Railroad Company's use of its tracks.

In consideration whereof said Harlem Bridge, Morrisania and Fordham Railway Company agrees to pay to said New York, New Haven and Hartford Railroad Company the cost of replacing, from time to time, any and all rails of the New York, New Haven and Hartford Railroad Company's tracks that may hereafter become so worn or injured, as in the judgment of the New York, New Haven and Hartford Railroad Company, to require renewal by reason of the passage of said Harlem Bridge, Morrisania and Fordham Railway Company's horse cars over said Harlem River Branch tracks; and shall also replace all planking between the rails of said Harlem Bridge, Morrisania and Fordham Railway Company's horse railroad at such crossing as from time to time the same shall, in the judgment of said New York, New Haven and Hartford Railroad Company or the city authorities, require to be so replaced.

THE NEW YORK, NEW HAVEN AND HARTFORD
RAILROAD COMPANY,

By

EDWARD M. REED, Vice Pres't.

June 6, 1885.

THE HARLEM BRIDGE, MORRISANIA & FORDHAM
RAILWAY COMPANY,

By

HENRY SPRATLEY,
President.

PERMISSION OF DEPARTMENT OF PUBLIC PARKS TO
OPEN WESTCHESTER AVENUE.

THE HARLEM BRIDGE, MORRISANIA AND FORDHAM RAILWAY COMPANY, its agents and employees in conformity with the Laws and Ordinances relating thereto, are hereby given permission to open the following named street and avenue, along the route hereafter mentioned, for the purpose of laying a double track horse railroad, also to construct such switches, sidings, turnouts, turntables and suitable stands thereon as provided by the franchise of said company, and as may be necessary for the convenient working of such road subject to the following conditions:

1st. The route or streets or avenues which may be opened for the construction of said railroad are to wit: commencing at the present tracks of the Harlem Bridge, Morrisania and Fordham Railway in North Third Avenue at or near its intersection with Westchester Avenue with the necessary curves and switches both from the North and South thence in, through and along the center of Westchester Avenue with double tracks easterly to Prospect Avenue.

2nd. The said Harlem Bridge, Morrisania and Fordham Railway Company shall be subject to the following conditions and restrictions set forth and mentioned in this permit, and also subject to such special conditions and restrictions as the Commissioners of the Department of Public Parks may from time to time deem proper or necessary to impose.

The Commissioners of the Department of Public Parks reserve the right to revoke this permit in case of any violation of its terms or conditions.

3rd. The center of the tracks in Westchester Avenue shall be four (4) feet ten and one quarter ($10 \frac{1}{4}$) inches distant from the center line.

4th. The construction and operation of said railway to be subject to the terms and conditions of the Charter of the said Company and also to Chapter 892 Laws of 1867, Chapter 658 Laws of 1871, and Chapter 517 Laws of 1873, and to the Laws and Ordinances of the City. The form of rail to be used to be approved by the Park Commissioners

5th. The tracks shall be laid on the lines and grades, approved by the Commissioners of the Department of Public Parks and shall not be raised or lowered without their consent or approval.

6th. The Commissioners of the Department of Public Parks will designate an Engineer who shall attend the giving of lines and grades for the construction of said railway.

The compensation of said Engineer and Assistants must be paid by said Company, but will be determined and regulated by the Commissioners of the Department of Public Parks.

7th. The said Company shall replace the pavement in a thorough, substantial and workmanlike manner in accordance with the specifications in use by the Department of Public Parks for laying new pavements, and to be renewed at such times and places as may be required by the Commissioners of the Department of Public Parks, immediately upon notice being given to said company by said Commissioners.

The said company shall at all times maintain the streets and avenues between and about their tracks for at least one year and also as stipulated in the various Franchise Laws and Ordinances affecting said company and the City of New York.

8th. In the relaying of the pavements, the said company shall furnish and provide at its own cost and expense whatever new material may be required.

9th. If there should be any rut, lump or sunken place in the adjacent pavement, the pavement shall be relaid over such places, to whatever distance from the rail of said company it may be necessary, so as to avoid any abrupt slopes, ridges or uneven pavement.

10th. The construction of said railway shall be so prosecuted as to cause as little inconvenience to public travel as practicable, and subject to such rules and regulations as the Commissioners of the Department of Public Parks shall impose.

The said company shall remove all surplus material as directed, and restore the streets, roadways and avenues as rapidly as possible.

11th. Along that portion of the route which is unpaved the space between the rails of each track and between the tracks and outside and adjoining the outer rails for a space of two (2) feet wide shall be paved with trap-block pavement of such specifications and in such manner as shall be directed by the Commissioners of the Department of Public Parks.

12th. The regulations in regard to repavement shall apply as far as practicable in the case of switches, sidings, turnouts and turntables or stands, but no switch, siding, turnout turntable or stand shall be placed until the location and form of construction have been approved by the Commissioners of the Department of Public Parks.

13th. All the work from the time the excavation is commenced to the time the pavement is laid or relaid is to be under the supervision of Inspectors who shall be appointed by and receive their instructions from the Commissioners of the Department of Public Parks, and whose salary shall be paid by said company.

14th. Approaches shall be constructed in such manner and of such material and at such places as may be required to relieve and facilitate public travel and business along the line.

15th. If any contractor, foreman, mechanic or laborer is insolent or negligent in carrying out any instruction given by any properly authorized representative of the Department of Public Parks, he shall be forthwith discharged and not re-employed on the work without the consent of the Commissioners of the Department of Public Parks.

16th. All surplus paving stones or other material which is the property of the City must be delivered by said Company at such places as may be designated by the Commissioners of the Department of Public Parks, the cost of transporting such stone or material shall be borne by said company.

17th. The said railway company shall place sufficient and proper guards for the prevention of accidents, and shall put up and keep at night suitable and sufficient lights, and they shall indemnify and save harmless the City of New York, its officers, agents and servants against and from all damages, costs and expenses which they may suffer or to which they may be put by reason of injury of person or property of another resulting from carelessness or negligence on the part of said Company.

The work shall be carried on at such places and for such distances as the Commissioners of the Department of Public Parks or their representatives shall from time to time designate.

18th. A notice or order given to any contractor or foreman in charge of any work shall be considered a notice to the Company.

19th. Whenever in consequence of any process of law, or other unexpected obstacle the work of constructing said railway shall be stopped for so long a time that the public travel shall be obstructed, the street or avenue shall be refilled and repaved as if the work contemplated in this permit were actually completed.

20th. If the said company its contractors or agents

shall refuse or neglect to carry out any of the provisions or requirements of this permit, the Commissioners of the Department of Public Parks shall have the right and power to do the same at the expense and cost of said company.

21st The said company must give 48 hours notice in writing to the Engineer of Construction in the employ of the Department of Public Parks of their intention to commence work at any point, and must not disturb the pavement, commence work, or deposit material anywhere until the Inspector is on the ground to give the necessary instructions.

22nd. No material shall be delivered or work done towards the laying of the tracks by the said railroad company upon the said Westchester Avenue until the work embraced in the contract, For Regulating, Grading Setting Curb-stones, Flagging the sidewalks four feet wide, and laying crosswalks in Westchester Avenue, from the easterly crosswalk of North Third Avenue to the easterly curb-line of Prospect Avenue which is now in progress, has been fully completed by the contractor and the work accepted by the Commissioners of the Department of Public Parks, nor shall any impediment or interference whatever be placed in the way of the Contractor until his work has been completed and accepted as above stated.

Nevertheless, should the said railroad company deem it to their interest to prosecute the construction of their railroad tracks in and along said Westchester Avenue previous to the acceptance of the before mentioned work by said Commissioners, they may enter into an agreement with said Contractor in reference thereto; providing that all demands, claims or damages of whatever name or nature against the City of New York the Commissioners of the Department of Public Parks, their agents or servants, by reason of the construction of said railroad tracks or interference with the comple-

tion of the aforesaid work under his contract, and also the damages for default of the Contractor in completing his work in the time stipulated in his contract shall be paid to the aforesaid Contractor by the said railroad company ; and provided also, that a copy of said agreement executed by the said Contractor and the railroad company together with a release in full of all such claims, demands and damages of whatsoever name or nature against the Mayor or Aldermen and Commonalty of the City of New York the Commissioners of the Department of Public Parks or their Agents, shall be filed with the Commissioners of the Department of Public Parks in the office of the said Commissioners previous to the commencement of the construction of said tracks on the said Westchester Avenue.

PERMIT OF BOARD OF ELECTRICAL CONTROL FOR OVER-
HEAD WIRES

Office of
THE BOARD OF ELECTRICAL CONTROL,
1266 Broadway.

THE MAYOR OF THE CITY, President,	}	Commissioners.
(ex-officio)		
THEO. MOSS, Secretary,		
JACOB HESS,		

NEW YORK, January 26, 1891.

Hon. WALDO HUTCHINS,

Att'y for Harlem Bridge, Morrisania & Fordham
R'way Co.

Sir.—At a regular meeting of the Board of Electrical Control in and for the City of New York held at the office of the Mayor of said city on Friday, January 23d, 1891, preambles and resolutions of which the following are copies were adopted :

“ WHEREAS, the Harlem Bridge, Morrisania and Fordham Railway Company has applied to this Board for permission to erect and maintain poles and wires for the purpose of enabling the said Railway Company to construct and operate its several lines of railway by the Overhead Single Trolley Electric Railway System through the following streets and avenues in the City of New York : Third Avenue from a point at or near East 129th street over and across the Harlem River to North Third Avenue ; thence on through and along North Third Avenue to Fordham Avenue ; thence on through and along Fordham Avenue and Kingsbridge Road to Pelham Avenue ; also on through and along Boston Avenue or Post Road from the intersection of Boston Avenue and North Third Avenue to West Farms ; thence on through and along Westchester or Tremont Avenue to the Bronx River ; also on through and along Westchester Avenue from the intersection of Westchester Avenue and North Third Avenue to the Bronx River ; also on through and along East 138th street from Harlem River to Long Island Sound ; also on through and along East 133d street (or Southern Boulevard) from its junction with Third Avenue to Lincoln Avenue ; thence on through and along Lincoln Avenue from the intersection of Lincoln Avenue with East 133d street to the intersection of North Third Avenue and Lincoln Avenue at or near East 138th street.

“ AND WHEREAS, due inquiry has been made by this Board and due hearing of all parties interested had for the purpose of determining the advisability of granting such permission ; and

“ WHEREAS, this Board finds that such proposed change of motive power by said Railway Company would be a great improvement upon its present motive power and would be of great benefit to the property

owners in the Annexed District and of great convenience to the travelling public,

“ *Resolved*, that permission be and it is hereby given to said Harlem Bridge, Morrisania and Fordham Railway Company, its successors or assigns, for the purpose of operating its said railway by the Single Trolley Electric Railway System, to erect, place and maintain poles and wires in the streets, avenues and highways in which its tracks now are or may hereafter be lawfully constructed, such as shall be necessary and proper for the operation of its said railway by the said system. The placing and erection of such necessary poles and wires along the streets, avenues and highways on either or both sides of the railroad track or tracks of the said railroad company shall be done under the direction and determination of the Engineer and the Electrical Expert of this Board, and the said poles and wires shall be set in such places and at such distances apart along the line or lines of said railway company and shall be of such height and depth as the said Engineer and Electrical Expert of this Board shall determine.

“ And this license is given upon the express condition that whenever and wherever the surface of such street, avenue or highway or of any pavement thereof shall be disturbed, excavated, deranged or taken up in whole or in part, by said company, in the placing of said poles or wires, the said company shall immediately thereafter restore the said roadway or pavement as near as possible to their former condition, and for any refusal or intentional neglect of said Railway Company in that respect the license hereby granted may, after notice to said company and opportunity to be heard, be thereupon revoked and annulled. The said company shall also indemnify and save harmless the City of New York, its officers and agents, from all claims, costs and damages, if any, arising through the excavation or

derangement of the said streets, avenues or highways by the construction of such posts or wires.

“ *Resolved*, That the poles and wires so to be erected and maintained shall be placed, where practicable, in the center of the street, so as to cause the least possible disfigurement.

“ *Resolved*, That the license hereby granted shall be without prejudice to the right and power of the Board whenever hereafter in its opinion it is deemed practicable for said Railway Company to operate its road or any great portion of it by means of an underground electrical system, to order and direct the company to convert its overhead to such underground system.

“ *Resolved*, That it is the express and earnest wish of the Board that the Railway Company procure, if possible, the permission of the elevated Railroad Company to hang wires on its structure in any street along the route mentioned where such structure exists.

“ *Resolved*, That the Railway Company, where practicable, use cars having accommodation and seating capacity for from thirty-four to thirty-six people, and light its cars with electricity.”

Very respectfully,

THEODORE MOSS,

PERMISSION OF BOARD OF RAILROAD COMMISSIONERS TO
CHANGE MOTIVE POWER UPON ROUTE OF COMPANY.

BOARD OF RAILROAD COMMISSIONERS
OF THE
STATE OF NEW YORK.

ALBANY, MARCH 17TH, 1891.

Present—Com. WILLIAM E. ROGERS,
Com. ISAAC V. BAKER, Jr.,
Com. MICHAEL RICKARD.

In the Matter of the Application

of

the HARLEM BRIDGE, MORRIS-
ANIA & FORDHAM RAILWAY COM-
PANY for the approval of the
Board of a change of motive power
from horses to the overhead single
trolley electric railway system, in
accordance with Chapter 531 of
the Laws of 1889.

The first application in this matter, dated January the 7th, 1891, was duly lodged with the Board. Not being sufficiently specific as to the form of power desired to be approved, nor as to the routes upon which it was to be applied, an amended application was subsequently filed, dated January the 21st, 1891, setting forth the routes in detail and applying for approval of the single trolley electric system.

After extended notice in the press a public hearing was had at the Chamber of Commerce, New York City, on February the 4th, 1891. The railroad company was

represented by Augustus Hutchins and John S. Wise, of counsel, Henry Spratley, President, William Cauldwell and others. Contesting property owners on Third avenue were represented by Arthur C. Butts ; on Boston avenue by C. S. Simpson. Ernest Hall represented property owners on Boston avenue in favor of the change. Several other parties appeared expressing views on the subject.

The Board was informed that a temporary injunction had been served upon the railroad company, at the instance of Third avenue property holders, restraining the company from presenting their consents to the Board upon the claim of the contestants, among other things, that such consents had been obtained by fraud. For this reason the hearing was principally taken up in a discussion of the general merits of the trolley system as applicable to that portion of New York City in which it was proposed to apply it.

It appeared, among other things, that the Board of Electrical Control of the city, consisting of Hon. Hugh J. Grant, Mayor, Mr. Jacob Hess, and Mr. Theodore Moss, had given its consent to the erection of the necessary poles upon which to string the wires of the company after a careful investigation of the merits of this system of propulsion, and a personal examination by Mr. Grant of the system in operation in Boston.

Subsequent to this hearing notice was received from the railroad company that it had secured a majority of consents upon Third avenue without regard to those of the property holders who had procured the injunction. A second hearing was then had on February the 20th, after due notice, at which time the company claimed to have procured a large majority of consents upon the line of all the routes with the exception only of Boston avenue from 164th street to West Farms. It also appeared at this hearing that the injunction as to the presentation of Third avenue consents had been dissolved by Justice Ingraham, the Justice holding that

no evidence of fraud whatever had been adduced to sustain the charge.

The question arose at this hearing as to the right of abutting property holders to withdraw their consents after having given them. The Board sustained the contestants in the claim that the property holders had such right to withdraw, for the same reasons given in the application of the Buffalo Street Railroad Company (R. R. Com. R., 1890, 1st vol. pp. 110-112). The reasons are based upon the opinion of the Court of Appeals in the case of *People vs. Sawyer, County Judge*, (52 N. Y., p. 296) : The Court's language in brief is as follows :

“ A taxpayer who has signed a petition for bonding his town under the provisions of the act permitting municipal corporations to aid in the construction of railroads, has the right to withdraw his name therefrom at any time prior to the final submission of the case to the County Judge, and upon such withdrawal his name and taxable property must be excluded from the calculation upon the part of the applicants.”

The case is not altogether similar, but the principles enunciated in the discussion thereof by the learned Judge (Grover J.), seem to the Board applicable to this.”

Mr. Butts, on behalf of the contestants on Third avenue disputed the sufficiency of the consents and requested time within which to examine them and file objections as to their validity and sufficiency. The request was granted and opportunity was given to Mr. Butts and other contestants to examine the consents on file in the office of the County Clerk. A brief, dated February 26th, was submitted by him, making specific objections to a large number of consents, and raising the point, among others, that the value of the abutting property had been taken from the assessment roll of 1891 instead of 1890 ; that in this way the assessed value of the property consenting had been materially in-

creased, and that the law as applicable to this case required that the values should be taken from the assessment roll of 1890.

A copy of the brief was submitted to the railroad company and another hearing set down, after due notice to all parties concerned, at the Chamber of Commerce, New York City, Wednesday, March 11, 1891. At this latter hearing the railroad and contestants were represented as before. The railroad company, on its behalf, submitted an affidavit of Henry Bracken, a Deputy Tax Commissioner of the City and County of New York, which is herewith given in full as follows :

“ Henry Bracken, being duly sworn, says that he resides in the city of New York, and that he is employed as a Deputy Tax Commissioner of the City and County of New York, and has been so employed for the past fourteen years. That he has been requested to examine the assessment rolls on file in the office of the Commissioners of Taxes and Assessments for the year 1890, for the purpose of certifying to the value of property abutting on the various streets and avenues through which the Harlem Bridge, Morrisania & Fordham Railway Company have constructed and operate its railroad, and also to compare the consents of the property owners which the company has obtained to its proposed change of motive power with the assessment rolls in said office for the year 1890, that he has made such examination, and finds as follows, viz. :

Assessed value of property on Third avenue, from One hundred and twenty-ninth street to Pelham avenue, Fordham, is.....	\$4,611,875
Same as to property on Westchester avenue from Third avenue to Bronx river is.....	388,400
Same as to Boston avenue from Third avenue to Tremont avenue, and along Tremont ave- nue to Bronx river is.....	720,210
Same as to Lincoln avenue from One hundred and thirty-third street to One hundred and thirty-eighth street is.....	276,000
Same as to One hundred and thirty-eighth street from Madison avenue bridge to Long Island Sound is.....	1,127,650

Same as to One hundred and thirty-third
street from Third avenue to Lincoln ave-
nue is..... 141,000

Making a total valuation of..... \$7,265,135

“That the assessed valuation of the property abut-
ting on the same streets and avenues in front of which
said company has constructed and operate its railway,
the owners consented, deducting all alleged withdrawals
of such consents filed with the company to date, and
adding all re-consents obtained by the company, based
on valuations as they appear on the assessment rolls for
the year 1890, on file in said office is :

On Third avenue.....	\$2,768,550
On Westchester avenue.....	379,650
On Boston avenue and Tremont avenue.....	345,950
On Lincoln avenue....	216,000
On One hundred and thirty-eighth street....	909,100
On One hundred and thirty-third street.....	116,000

Making a total valuation of.....\$4,735,250

“Deponent further says that he has been requested
to make a recapitulation of the total assessed valuation
of property on each street, the required majority of
such total valuations, and the amounts of consents on
the same streets in tabular form for easy reference, which
he has done and finds to be as follows :

	Total valuation.	Required majority.	Net consents.
Third avenue....	\$4,611,875	\$2,305,938	\$2,768,550
Westchester avenue ..	388,400	194,201	379,650
Boston and Tremont avenue.....	720,210	360,106	345,950
Lincoln avenue.....	276,000	138,001	216,000
One hundred and thirty-eighth street.....	1,127,650	563,826	909,100
One hundred and thirty-third street..	141,000	70,501	116,000
	<u>\$7,265,135</u>	<u>\$3,632,573</u>	<u>\$4,735,250</u>

(Signed)

HENRY BRACKEN.

Sworn to before me, this 10th }
day of March, 1891. }

(Signed)

E. T. TAGGARD,

Commissioner of Deeds.”

It will be seen from the above that, treating the system as a whole, there is an excess of \$1,102,677 of consents of abutting property holders over a majority.

No objections were raised as to the sufficiency of the consents on any of the routes except the Third avenue route and the Boston avenue route.

First.—As to the Third avenue route.

Bracken's affidavit states that the total assessed value of property abutting the Third avenue route is \$4,611,875; that the company's net consents to the 10th day of March were \$2,768,550; consents necessary to the change, \$2,305,938; excess over and above majority, \$462,612.

Mr. Butts, in his brief, contests the sufficiency or validity of the consents in a great many particulars. His objections were taken up *seriatim* at the hearing. The Board finds, however, that giving Mr. Butts the benefit of *every contested* point there would still be an excess over the amount required of \$57,000. The Board, therefore, did not deem it necessary or desirable to take further testimony than that presented at the last hearing, for the reason that many of the points raised by Mr. Butts the Board would of necessity be compelled to decide against him upon their merits, even if his contention were not disposed of by the opinion of the Attorney-General in regard to the Boston avenue question, hereinafter quoted. There was nothing to show that fraud had been exercised by the company, or that there was any likelihood of Bracken's figures being found inaccurate to the extent of showing that the company had not a clear majority of the consents.

Second.—As to Boston avenue and Tremont avenue.

Bracken's affidavit states that the total assessed value of property on the Boston avenue route is \$720,210; that the company's net consents to the 10th day of March were.....\$345,950
Consents necessary to the change 360,106

The company lacking necessary to a majority \$14,150

At the hearing further consents were submitted to the amount of \$13,300, and withdrawals to the amount of \$4,800. This apparently leaves the company \$5,650 short of a majority of consents on Boston avenue. It is proper to say that inasmuch as the company admitted the lack of a majority on Boston avenue, the question of the sufficiency of the consents as claimed by Mr. Simpson was not gone into, but the case, by consent of all parties, rested where it was.

The important question is now raised, whether the company, having secured a majority in value of the consents of the property holders upon the whole system of its road, has conformed to the statute in regard to such consent. There was an elaborate argument *pro* and *con* on this subject. There being so much difference of opinion the Board submitted the matter to the Attorney-General in the following letter :

“Hon. CHARLES F. TABOR, Attorney General, State of New York.

“*Dear Sir.*—In the matter of the application of the Harlem Bridge, Morrisania and Fordham Railway Company for the approval of the Board of a change of motive power from horses to the overhead single trolley electric railway system, a question has arisen as to the true interpretation of chapter 531 of the Laws of 1889, which the Board desires to submit to you for an opinion thereon.

“Chapter 252 of the Laws of 1884, known as the General Street Railroad Act, provides in section 3, in accordance with the words of the Constitution that the company may *construct* such road “provided that the consent in writing of the owners of one-half in value of the property bounded on and the consent, also, of the local authorities having control of that portion of the *street or highway* upon which it is proposed to construct or operate such railroad, be after the passage of this act first obtained.”

“Section 12 of this act originally read as follows :

“§ 12. Any street surface railway company may in any case operate any portion of its road by animal or

horse power, or by any power other than locomotive steam power, which may be consented to by the local authorities and by a majority of the property owners, obtained in accordance with sections 3 and 4 of this act.'

"It was amended by chapter 531 of the Laws of 1889, substituting the Board of Railroad Commissioners for the local authorities as the public body to give consent to the change of motive power, and also altering the language as to the consents of abutting property holders. Section 12 now reads as follows :

'§ 12. Any street surface railway company may, in any case, operate any portion of its railroad by cable or electricity, or by any power other than locomotive steam power, instead of by animal or horse power, which may be approved by the State Board of Railroad Commissioners, and consented to by the owners of one-half in value of the property bounded on *that portion of the railroad* as to which a change of motive power is proposed ; and in case the consent of the property owners cannot be obtained, then the determination of three disinterested commissioners, appointed by the general term of the Supreme Court in the department in which said railroad is located, in favor of such motive power, confirmed by said Court, shall be taken in lieu of the consent of said property owners. The provisions of sections 3, 4, 5 and 6 of the act hereby amended shall apply, so far as applicable to such consents of said property owners and to the proceedings for the appointment and determination of said commissioners and the confirmation of said determination. It shall be lawful for any such railroad company to make any changes in the construction of its road or road-bed at any time rendered necessary by a change in its motive power.'

"It will be observed that the section now provides that the consent to a *change* must be approved ' by the owners of one-half in value of the property bounded on *that portion of the railroad* as to which a change of motive power is proposed,' instead of the consents upon '*that portion of a street or highway*' upon which it is proposed to change.

"In the case of the application under consideration the railroad company operates a system of railroads beginning in Third avenue at about One hundred and twenty-ninth street in the city of New York, crossing

the Harlem river, running up Third avenue to Fordham, and having branches at One hundred and thirty-third street, One hundred and thirty-eighth street, Westchester avenue and Boston avenue.

“The original charter of this company was given by chapter 316 of the Laws of 1863, by which act certain parties therein named formed into a corporation were vested with the exclusive right to lay a double track on the centre of the Boston Post Road, and to use or operate the same, commencing at or near the termination of the Harlem or Coles bridge (that is, on the north line of the Harlem river), and running along the said road to a point where the said road intersects with Fordham avenue, and thence along said Fordham avenue by a single or double track with necessary branches to the Kingsbridge road, and thence along the same to the Harlem Railroad, at or near its depot at Fordham. *Section 9* of the said act provided that the corporation formed should be authorized to lay railway tracks at the termination of its road at Fordham or at any other convenient point by the most feasible route to the village of West Farms.

“Under the provisions of this act the company now applying for a change of motive power built and put into operation a street railroad from the Harlem river to Fordham, on what is now called Third avenue. It did not apparently take advantage of its privilege of building a road to West Farms, either from Fordham or any other convenient point, at that time. A subsequent statute was passed, being chapter 892 of the Laws of 1867, amending section 9, permitting the corporation to lay tracks specifically, ‘along the Boston Post Road,’ to the village of West Farms. In conformity with this act a branch was built on the Boston Post Road, now called Boston avenue, from its intersection with the railroad first built at One hundred and sixty-fourth street to West Farms.

“The company now claims to have—and for the purposes of your opinion it may be conceded that it has—a large majority in value of consents of abutting property holders on the system as a whole. It also has a majority of consents upon each street and avenue with the exception of Boston avenue from One hundred and sixty-fourth street to West Farms, where there is an apparent deficiency of some \$5,000.

“The company claims that inasmuch as it has the consents of a large majority in value upon the entire system, that it comes within the provisions of the statute which require it to have a majority in value of the property bounded *on that portion of the railroad* as to which a change of motive power is proposed. Contesting property holders on Boston avenue, on the other hand, claim that the words of the statute ‘on that portion of the railroad’ should be construed to mean a definite route, and not the whole system. While conceding that the company has the consent upon other portions of its road, they deny that it has the consent on that portion of its road going through Boston avenue, and is therefore, precluded from a change there.

“In the course of the discussion it was proposed to consider that the words, ‘that portion of the railroad’ should mean a definite and continuous route, upon the ground that consents given for a change on 138th street for instance, ought not reasonably to be held to operate upon Boston avenue, as cars operating on Boston avenue would not naturally touch 138th street except to cross it, but would run down Boston avenue to its intersection with Third avenue and thence along Third avenue to the terminus of the road at 129th street.

“The company claims that accepting the word ‘route’ for the sake of argument, to be a definition of the words ‘that portion of the railroad,’ etc., that the route including Boston avenue extends from 129th street and Third avenue, through Third avenue and up Boston avenue to the terminus at West Farms; that but one fare is paid, and a distinctive line of cars operate thereon; that it has a majority of value upon this route, if it be considered a route, and that it further has a majority in value of abutting property owners on Third avenue north of 164th street to Fordham.

“The contestants dispute the justice of considering Boston avenue and Third avenue, from 164th street to 129th street a route for the reason that the Boston avenue branch was built subsequently to the Third avenue road.

“The Board desires your opinion upon the above statement of facts:

“First, has the railroad company the right to change its motive power on Boston avenue, in view of its hav-

ing obtained a majority in value of the consents of abutting property holders upon its system as a whole?

"Second, if not, has it the right to change its motive power upon Boston avenue for the reason that it has a majority in value of abutting property holders, regarding Boston avenue and Third avenue from 164th street to 129th street as one route?"

In answer to this letter an elaborate opinion is rendered by the Attorney-General, the conclusion of which is as follows:

"In conclusion I am of the opinion in answer to your two questions,—

"*First*.—The railroad company has the right to change its motive power on Boston avenue by reason of its having obtained a majority in value of the consents of abutting property holders upon its system as a whole.

"*Second*.—That in any event it has the right to change its motive power upon Boston avenue for the reason that it has obtained a majority in value of abutting property holders 'regarding Boston avenue and Third avenue from 164th street to 129th street as one route.

"And in this connection I may also say that while the consent of your Board is necessary in order that the change proposed may be made at all, the giving of it does not in the least destroy or injure the rights of the property owners interested. The corporation can obtain no right to change its motive power without complying with the law, and if I am right in my construction it has complied, but if I am wrong the whole matter can be easily determined and righted by the Courts."

Pending this application the different routes of this railroad company were carefully gone over and inspected by members of the Board. The streets where this proposed change is to be made are all from eighty to one hundred feet in width. With the exception of Third avenue and a portion of Boston avenue they are

not thickly built up. Long distances intervene where there are few houses and where it is evident that a more rapid means of transit than that furnished by horses would be most desirable not only to those who live there now, but to those who would be induced to live there were such adopted. Indeed, all the territory through which this system of railroad ramifies, in the opinion of the Board, would be greatly benefited by the change. The tracks of the railroad occupy but fifteen feet in the centre of these streets and avenues, ample space being allowed for vehicles of all kinds on either side of the tracks and between the curbs. It is proposed by the company that poles should be erected between the tracks with brackets extending on both sides from which to suspend the trolley wires. In its investigations of the various applications made to it, the Board has seen no territory where the trolley system could be put into operation with so much benefit apparently as here. In this respect it sustains the views held by the Board of Electrical Control. It is satisfied that if the change be brought about it will serve to bring a large population into that portion of the city.

So far as Third avenue is concerned, an elevated railroad already exists there. The Board deems that it would be far wiser and better in every way to string the trolley wires from the underside of the structure, and so recommends. If this cannot be done, however, little or no additional encumbrance would be placed on the street by erecting poles in close proximity to the columns of the elevated structure upon which to string cross wires to support the trolley wire.

In view of the above recited fact the Board deems that it is justified in approving, and does hereby approve, of a change of motive power from horses to the overhead single trolley electric railway system by the Harlem Bridge, Morrisania & Fordham Railway Company upon the routes of its railway in the city of New York as follows: Third avenue, from a point at or

near East 129th street over and across the Harlem River to North Third avenue, thence on, through and along North Third avenue to Fordham avenue; thence on, through and along Fordham avenue and Kingsbridge road to Pelham avenue. Also on, through and along Boston avenue or Post road from the intersection of Boston avenue and North Third avenue to West Farms; thence on, through and along Westchester or Tremont avenue to the Bronx river; also, on, through and along Westchester avenue from the intersection of Westchester avenue and North Third avenue to the Bronx river; also, on, through and along East 138th street from Harlem river to Long Island Sound; also, on, through and along East 133d street (or Southern Boulevard) from its junction with Third avenue to Lincoln avenue; thence on, through and along Lincoln avenue from the intersection of Lincoln avenue with East 133d street to the intersection of North Third avenue and Lincoln avenue at or near East 138th street; with the following conditions, however, which are made a part of this approval:

First.—The rate of speed shall not exceed that to be reasonably fixed by the local authorities having charge of such streets and avenues as the route of the road passes through.

Second.—The poles from which the wires are to be suspended upon all the streets and avenues except the Third avenue route, shall be erected between the tracks, with brackets extending to each side, and before erection, their plan and construction shall be approved by the local authorities hereinbefore mentioned. On Third avenue the wires shall be strung from the lower side of the structure of the elevated railroad on that portion of the route where such structure is over the route of the surface company if an agreement can be reached with the elevated railroad company to permit such construc-

tion; if not, the poles to be erected upon which to string the wires shall be approved before construction by the local authorities hereinbefore mentioned. The poles to be erected upon that portion of Third avenue not covered by the structure of the elevated railroad shall be of a construction and plan to be approved by the local authorities hereinbefore mentioned; and on all parts of the system not covered by the elevated structure, or where the wires are not strung under brackets from poles in the centre of the street, a guard wire shall be strung over the trolley wire to prevent broken telegraph, telephone or other wires coming in contact with the trolley wire.

Third.—No car shall be run with less than two men to operate it.

Fourth.—The company shall take all reasonable and proper means to prevent the currents from its wires, through leakage, induction or otherwise from interfering with the currents upon the wires of other companies, whether telegraph, telephone, or otherwise.

Fifth.—The company shall conform to all the reasonable requirements of the local authorities heretofore or hereafter legally imposed by said authorities.

By the Board.

WILLIAM C. HUDSON,
Secretary.

PERMIT OF DEPARTMENT OF PUBLIC PARKS TO OPERATE
CARS BY OVERHEAD TROLLEY OVER HARLEM BRIDGE.

THE HARLEM BRIDGE, MORRISANIA & FORDHAM
RAILWAY COMPANY, having heretofore obtained per-

mission to maintain its tracks upon and across the Harlem Bridge for the purpose of running cars across said bridge, which cars have been heretofore operated by animal traction, and the said company having determined to operate its cars across the said bridge and upon the rest of its route by electric traction, and the said company having submitted to the Department of Public Parks a map and plan showing the nature of the construction proposed to be made and hereafter operated ;

Now, for the purpose of enabling them to effect such change, and for the purpose of securing the proper operation of the bridge as a drawbridge when so operated and for the purpose of securing to the public the greater facilities to be afforded by the use of electric power as a motive power, and for other purposes.

Resolved, That the said plan and map as submitted be and the same is hereby approved, and directed to be filed.

Further Resolved, That the Harlem Bridge, Morrisania and Fordham Railway Company is required, requested and directed to maintain its tracks upon and across the Harlem bridge as set forth in the said map and plan, and is permitted to run cars operated by electric power thereon, and to erect upon the bridge poles fit to carry the wires necessary for the propulsion of the said electric cars upon the bridge, and to construct whatever additional fixtures and wires may be required for such purposes, and there is hereby granted to said company full power and authority to run cars to be operated by electric power on the said tracks so to be constructed upon and across the Harlem Bridge. Provided, however, that the said railway company shall continue to maintain an additional covering of plank upon the roadway on said bridge of the full width thereof, as they have hitherto maintained the same, and to keep the same in repair, and provided further that the said company shall so construct its tracks, poles, wires and

fixtures and appurtenances, and shall so run and manage and operate its cars as not to impair the use of the bridge as a drawbridge, and provided further that the said company shall submit a detailed specification for the work to be done to this department for approval; and further, that this permission shall be subject to any change in the elevation or grade of the bridge or approaches.

Further Resolved, That should it be found at any time inoperative or unadvisable by the said company to operate its cars by electric traction, it may abandon the use of such power and revert to the use of animal power.

In Board July 15, 1891.

Adopted.

CHARLES DE F. BURNS,
Secretary D. P. P.

PERMIT FOR OVERHEAD SINGLE TROLLEY ELECTRIC
RAILWAY SYSTEM—COMMISSIONER STREET IMPROVE-
MENTS.

NEW YORK, Oct. 13, 1891.

The Harlem Bridge, Morrisania & Fordham Railway Company, its agents and employees, in conformity with the laws and ordinances and with the permits granted said company by the Board of Electrical Control, dated January 23, 1891, and October 9, 1891, relating thereto, are hereby given permission to take up their tracks on, and to open the following-named streets and avenues along the routes hereinafter mentioned, for the purpose of laying a double track railroad to be operated by the Overhead Single Trolley Electric Railway System and the erection of the necessary appurtenances thereto, under the following conditions, and such other special restrictions and conditions as the Commissioner of Street Improvements of the Twenty-third and Twenty-

fourth Wards may from time to time deem proper or necessary :

First.—The streets and avenues which may be opened, &c., for the above-named purpose are as follows :

Third avenue from the Harlem Bridge to Pelham avenue; Boston avenue from Third avenue to Tremont avenue at West Farms; Westchester avenue from Third avenue to Prospect avenue; 138th street from Third avenue to Long Island Sound; Lincoln avenue from the Southern Boulevard to 138th street, and the Southern Boulevard from Third avenue to its intersection with Lincoln avenue.

Second.—The whole work to be done in a substantial and workmanlike manner, in accordance with the plan as shown by a tracing entitled "Track Construction, Harlem Bridge, Morrisania & Fordham Railway Company, New York City, and dated Aug. 1, 1891. L. H. McIntire, Chief Engineer," on file in the office of the Commissioner of Street Improvements of the Twenty-third and Twenty-fourth Wards; and with the existing rules and regulations of the Board of Electrical Control, and the laws and ordinances of the city of New York, and under the direction and supervision of the Commissioner of Street Improvements of the Twenty-third and Twenty-fourth Wards.

The said Commissioner of Street Improvements may appoint such and so many inspectors as he may deem proper or necessary to supervise the above-mentioned work, each of whom shall be paid by said Railway Company at the rate of three dollars per day.

Third.—The pavement of the present roadbeds shall be taken up and neatly piled on the sidewalks along the different routes, within three (3) feet of the curblines, leaving such entrance to each lot as may be required by said Commissioner of Street Improvements. During

the progress of the work, such crossings of the roadbed shall be made and maintained by the said Railway Company as may in the opinion of the said Commissioner of Street Improvements be deemed proper or necessary.

Fourth.—The tracks shall be laid on the established grades, and on such lines as the Chief Engineer under the Commissioner of Street Improvements of the Twenty-third and Twenty-fourth Wards may determine. When the tracks have been laid, the roadbed and the adjacent roadway shall be brought to grade and repaved in a substantial and workmanlike manner, and with such material as shall be satisfactory to the said Commissioner; where required, along the different routes, crosswalks across and between the tracks shall be laid, and any adjustments rendered necessary by the laying of the tracks shall be made by the said company.

The poles shall be set inside, and not more than one (1) foot from the curblines, except that, where the elevated railroad is built over the proposed routes, no poles shall be erected.

Fifth.—Wherever it becomes necessary to build a sewer or sewers along the proposed routes, such provisions shall be made by the said company to facilitate the building of said sewer or sewers as in the opinion of the said Commissioner may be deemed necessary.

Sixth.—The construction of said railroad shall be so prosecuted as to cause as little inconvenience to public travel as is practicable, and subject to such rules and regulations as the said Commissioner shall impose. If any contractor, foreman, mechanic or laborer is insolent or negligent in carrying out any instructions given by any properly authorized representative of the said Commissioner, he shall be forthwith discharged and not re employed on the work.

Seventh.—Whenever, in consequence of any process of law or of any other unexpected obstacle, the work of building said railroad shall be stopped for so long a time that public travel shall be obstructed, the streets and avenues along the different routes shall be refilled and repaired as if the work contemplated in this permit were actually completed.

Eighth.—The said Railway Company shall place sufficient and proper guards for the prevention of accidents and shall put up and keep at nights suitable and sufficient lights and shall indemnify and save harmless the city of New York, its officers, agents and servants against and from all damages, costs and expenses which they may suffer or to which they may be put by reason of any injury to the person or property of another, by or on account of the carelessness or negligence on the part of said company, its servants or agents in the construction of the above named railroad. All the material used and the work done shall be to the satisfaction of the Commissioner of Street Improvements of the Twenty-third and Twenty-fourth Wards, and in substantial accordance with the proposals contained in a communication to the said Commissioner from said company (bearing date of Oct. 3. 1891, and signed by L. H. McIntire, Engineer) where the same do not conflict with the foregoing provisions.

Ninth.—The Commissioner reserves the right to revoke this permit at any time, should the said company, its agents or servants refuse or neglect to carry out any of the provisions of requirements of the same.

Tenth.—This permit shall be void at the expiration of six (6) months from the date of same.

Eleventh.—The company at the time of receiving this permit shall deposit with the Commissioner of Street

Improvements of the Twenty-third and Twenty-fourth Wards, three hundred (300) dollars for the purpose of paying the expenses of such engineers, assistants and inspectors as the said Commissioner may appoint to direct and inspect the construction of the said railroad, and the said company shall at any time afterwards, when called upon by the said Commissioner, deposit such additional sum or sums as he may deem necessary to provide for the expense aforesaid.

LOUIS J. HEINTZ,
Commissioner of Street Improvements
of the 23d and 24th Wards.

PERMISSION OF MANHATTAN RAILWAY COMPANY TO
ATTACH TROLLEY AND FEEDER WIRES.

OFFICE OF
MANHATTAN RAILWAY COMPANY,
No. 71 Broadway,

NEW YORK, January 25, 1892.

Permission is hereby granted by the MANHATTAN RAILWAY COMPANY to the HARLEM BRIDGE, MORRISANIA and FORDHAM RAILWAY COMPANY, to attach its Trolley-Wires and Feeder-Wires, to be used in the propulsion by electro-motive force of the passenger cars of the said Harlem Bridge, Morrisania and Fordham Railway Company, to the elevated railroad structure, late of the Suburban Rapid Transit Company, between One Hundred and Forty-fifth street and One Hundred and Seventy-seventh street, in the City of New York, in the manner specified in a certain agreement between the said Manhattan Railway Company, and the said Harlem Bridge, Morrisania and Fordham Railway Company, dated the twenty-third day of January, in the year one thousand eight hundred and

ninety-one ; and to enter, by its officers, agents, and servants, upon the said structure of the said Manhattan Railway Company, and upon the premises of the said Manhattan Railway Company, in such locality, for the purpose of making such connections.

New York, January 25th, 1892.

F. K. HAIN,
Second Vice-President and General
Manager of Manhattan Railway
Company.

THE MELROSE AND WEST MORRISANIA RAILROAD COMPANY.

ARTICLES OF ASSOCIATION

OF

THE MELROSE AND WEST MORRISANIA RAILROAD COMPANY.

First.—The name of said company shall be “THE MELROSE AND WEST MORRISANIA RAILROAD COMPANY.

Second.—The said Company is to continue one thousand years from the day of the date hereof.

Third.—The road of said Company is to be instructed in the city and county of New York, and the streets and avenues in which, and the points to and from which, the said road is to be constructed, maintained and operated, are as follows :

Beginning at North Third avenue, at or near East One hundred and thirty-eighth street, at the tracks of the Harlem Bridge, Morrisania and Fordham Railway Company ; running thence northerly through, upon and along Morris avenue, with double tracks, to East Railroad avenue ; thence northerly through, upon and along East Railroad avenue, with double tracks, to East One hundred and fifty-sixth street ; thence westerly through upon and along East One hundred and fifty-sixth street and across the tracks of the New York and Harlem Railroad Company, with double tracks, to West Railroad avenue ; thence northerly through, upon and along West Railroad avenue, with double tracks, to Morris avenue ; thence northerly through, upon and along Morris avenue, with double tracks, to East One hundred and sixty-first street.

Also beginning at East One hundred and forty-ninth street and Morris avenue; running thence easterly, with single track, to Courtlandt avenue; thence running northerly through, upon and along Courtlandt avenue, with double tracks, to East One hundred and sixty-first street.

Also from tracks on Morris avenue and East One hundred and forty-eighth street; running thence easterly through, upon and along East One hundred and forty-eighth street, with single track, to Courtlandt avenue; thence through, upon and along Courtlandt avenue, with double tracks to connect with the tracks at East One hundred and forty-ninth street.

Also from the track on Courtlandt avenue at East One hundred and forty-eighth street; thence southerly upon and along Courtlandt avenue, with double tracks, to the intersection of Courtlandt avenue and North Third avenue, and to the tracks of the Harlem Bridge, Morrisania and Fordham Railway Company.

Also beginning at North Third avenue, at or near East One hundred and thirty-eighth street; running thence westerly through, upon and along East One hundred and thirty-eighth street, with double tracks, to Mott avenue; thence northerly through, upon and along Mott avenue, with double tracks, to East One hundred and sixty-fifth street; thence easterly through, upon and along East One hundred and sixty-fifth street, with double tracks, to the entrance of Fleetwood Park.

Also beginning at the intersection of Mott avenue with East One hundred and sixty-first street; thence running easterly through, upon and along East One hundred and sixty-first street, with double tracks, to the intersection of said street, with North Third avenue and to the tracks of the Harlem Bridge, Morrisania and Fordham Railway Company.

Fourth.—The length of said road, as near as the same can be ascertained, is four and one-half miles, and the same is located entirely within the city and county of New York.

Fifth.—The capital stock of said company shall be three hundred thousand dollars, and the same shall be divided into six thousand shares of fifty dollars each.

Sixth.—The following are the names and places of residence of the first directors of said Company, and who shall manage its affairs for the first year and until others are chosen in their places, to wit :

NAME.	RESIDENCE.
William Cauldwell,	New York City.
Matthew B. Wynkoop,	New York City.
John J. Hallenbeck,	Montclair, New Jersey.
Henry Spratley,	New York City.
Edwin Bedell,	New York City.
Albert B. Whitney,	New York City.
Joseph T. Thompson,	New York City

Seventh.—Each of the subscribers to these articles of association agrees to take the number of shares of stock in said Company set opposite to his name.

In witness whereof, we have hereunto set our hands and seals this twelfth day of August, in the year one thousand eight hundred and eighty-six.

NAME.	RESIDENCE.	No. OF SHARES.	SEALS.
Wm. Cauldwell,	1086 Boston Avenue, New York City,	15	[Seal]
Henry Spratley	1033 Boston Ave. New York City,	115.	[Seal.]
J. J. Hallenbeck,	Montclair, N. J.,	15.	[Seal]
W. E. Hallenbeck,	Jersey City, N. J.,	2.	[Seal.]
Albert B. Whitney,	New York City,	10.	[Seal.]
Elijah Whitney,	New York City	2.	[Seal.]
Fred W. Kuck,	N Y City,	2.	[Seal.]
M. B. Wynkoop,	N Y City,	15.	[Seal.]
Jos. T. Thompson,	N Y City,	2.	[Seal.]
Edwin Bedell	N Y City,	8.	[Seal.]
Edwin J Hart	1189 Franklin Ave., N. Y.	2.	[Seal.]
James Carrigan	Third Ave., 170 St., N. Y. City,	2.	[Seal.]
Louis Spratley,	1189 Franklin Ave., N. Y. City,	10.	[Seal]

City and County of New York, ss :

WILLIAM CAULDWELL, HENRY SPRATLEY and MATTHEW B. WYNKOOP, three of the directors named in the preceding articles of association, being duly sworn, do depose and say, and each for himself says :

That he is a director of the above named, The Melrose and West Morrisania Railroad Company; that more than one thousand dollars of stock for every mile of railroad proposed to be constructed has been subscribed in good faith to the articles of association and ten per cent. has been paid in cash thereon in good faith to the directors named in said articles of association and that it is intended in good faith to construct, maintain and operate the road mentioned in the said articles of association.

WM. CAULDWELL,
HENRY SPRATLEY,
M. B. WYNKOOP.

Sworn to before me this 18th {
day of August, 1886 }

O. B. LEWIS,
[SEAL.] Notary Public,
Kings Co.

Ctf. filed in N. Y. Co.

City and County of New York, ss.:

On the twelfth day of August, 1886, before me personally came William Cauldwell, Henry Spratley, John J. Hallenbeck, William E. Hallenbeck and Louis Spratley, and on the thirteenth day of August, before me personally came Albert B. Whitney, Elijah Whitney, Frederick Kuck and James Carrigan, Edwin J. Hart and Matthew B. Wynkoop and on the sixteenth day of August, 1886, before me personally came Joseph T. Thompson, all to me known and known to me to be the individuals described in and who executed the foregoing articles of association, and duly and severally acknowledged to me that they executed the same.

WALDO HUTCHINS, Jr.,
Notary Public,
N. Y. County.

City and County of New York, ss.:

On the 18th day of August, 1886, before me personally came Edwin Bedell, to me known and known to me to be one of the individuals described in and who executed the foregoing articles of association and duly acknowledged to me that he executed the same.

WM. JAY MURPHY, (97)

Notary Public,

New York County.

(Endorsed) Articles of Association of the Melrose and West Morrisania Rail Road Company. State of New York, office of Secretary of State. Filed and recorded Aug. 19, 1886. DIETRICH WILLERS, Deputy Secretary of State.

Tax for privilege of organization of this corporation. \$375.00 Under Chapter 143, of the Law of 1886. Paid to State Treasurer before Filing.

THE NORTH THIRD AVENUE AND FLEETWOOD PARK RAILROAD COMPANY.

ARTICLES OF ASSOCIATION

OF THE

THE NORTH THIRD AVENUE AND FLEETWOOD PARK RAILROAD COMPANY.

First.—The name of said company shall be “THE NORTH THIRD AVENUE AND FLEETWOOD PARK RAILROAD COMPANY.”

Second.—The said company is to continue one thousand years from the day of the date hereof.

Third.—The road of said company is to be constructed in the city and county of New York, and the streets and avenues in which and the points to and from which the said road is to be constructed, maintained and operated, are as follows :

Beginning at a point on the easterly side of Third avenue at or near East One hundred and twenty-ninth street, thence northerly along Third avenue with double tracks, to Harlem bridge ; thence northerly, over, along and upon Harlem Bridge and North Third avenue with double tracks to the intersection of North Third avenue with Morris avenue, at or near East One hundred and Thirty-eighth street, thence northerly with double tracks through, upon and along Morris avenue to East Railroad avenue, thence northerly through, upon and along East Railroad avenue with double tracks to East One hundred and fifty-eight street, thence westerly, through, upon and along East One hundred and fifty-eighth street, and across the tracks of the New York and Harlem Railroad Company and West Railroad avenue, with double tracks to Morris avenue ; thence

northerly, through, upon, and along Morris avenue with double tracks to the intersection of Morris avenue with One hundred and sixty-fifth street.

Fourth.—The length of said road as near as the same can be ascertained, is one and nine-tenth miles and the same is located wholly within the city and county of New York.

Fifth.—The capital stock of said company shall be one hundred thousand dollars, and the same shall be divided into two thousand shares of fifty dollars each.

Sixth.—The following are the names and places of residence of the first directors of said company and who shall manage its affairs for the first year and until others shall be chosen in their places, to wit:

NAME.	RESIDENCE.
Thomas H. Conover,	Jersey City.
Edwin J. Hart,	N. Y. City.
David E. Babcock,	N. Y. City.
Matthew B Wynkoop,	N. Y. City.
Frederick H. Crum,	River Edge, N.
John J. Hallenbeck,	Montclair, N. J.
J. Lewis Kuck,	N. Y. City.

Seventh.—Each of the subscribers of these articles of association agrees to take the number of shares of stock in said company set opposite to his name.

In witness whereof, we have hereunto set our hands and seals this 23rd day of January, in the year one thousand eight hundred and ninety.

NAME.	RESIDENCE.	No. of Shares.	Seals
Edwin J. Hart,	N. Y. City.	4	"
Thomas H. Conover,	Jersey City, N. J.	5	"
Rodney F. Bates,	N. Y. City.	5	"
Milton J. Smith,	Brooklyn.	5	"
J. Lewis Kuck,	N. Y. City.	5	"
Wm. H. Craig,	N. Y. City.	4	"
Matthew B. Wynkoop,	N. Y. "	4	"
David E. Babcock,	N. Y. City.	4	"
William F. Scott,	N. Y. City.	3	"
Willis Benner,	N. Y. City.	2	"
John J. Hallenbeck.	Montclair, N. J.	3	"
Frederick H. Crum,	River Edge, N. J.	3	"
James H. Ackerman,	Passaic, N. J.	3	"

City and County of New York, ss.:

MATTHEW B. WYNKOOP, THOMAS H. CONOVER and J LEWIS KUCK, three of the directors named in the preceding Articles of Association, being duly sworn, depose and say, and each for himself says, that he is a director of the above-named, The North Third Avenue and Fleetwood Park Railroad Company; that more than one thousand dollars of stock for every mile of railroad proposed to be constructed has been subscribed in good faith to the Articles of Association, and ten per cent. has been paid in, in cash thereon in good faith to the directors named in said Articles of Association, and that it is intended in good faith to construct, maintain and operate the road mentioned in the said Articles of Association.

MATTHEW B. WYNKOOP,
THOMAS H. CONOVER,
J. LEWIS KUCK.

Sworn to before me, this 23d {
day of January, 1890. }

WM. H. CRAIG, Jr.,
Commissioner of Deeds,
N. Y. City & County.

STATE OF NEW YORK, }
City and County of New York, } ss.:

On the 23d day of January, 1890, before me personally appeared Edwin J. Hart, Thomas H. Conover, Milton J. Smith, J. Lewis Kuck, William H. Craig, Matthew B. Wynkoop, David E. Babcock, William F. Scott, Willis Benner, John J. Hallenbeck, Frederick H. Crum and James H. Ackerman, and on the 24th day of January, 1890, before me personally appeared Rodney F. Bates, all to me known, and known to me to be the persons described in and who executed the foregoing

176 NORTH THIRD AVE. & FLEETWOOD PARK R. R. CO.

Articles of Association, and they severally duly acknowledged to me that they executed the same.

WM. H. CRAIG, Jr.,
Commissioner of Deeds,
New York City and County.

Endorsed : Articles of Association of the North Third Avenue and Fleetwood Park Railroad Company.

State of New York, Office of Secretary of State,
Filed and Recorded, Jan 27, 1890.

Th E. Benedict, Deputy Secretary of State.

Tax for privilege of organization of this corporation.
\$125.00 Under Chapter 143, Law of 1886, paid to State
Treasurer before Filing.

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